



MEMPHIS & SHELBY COUNTY BOARD OF ADJUSTMENT

125 North Main Street, City Hall, Room 468
MEMPHIS, TENNESSEE 38103

APPLICATION FOR CHANGE IN NONCONFORMING USE PERMIT

Property Owner of Record: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Property Owner E-Mail Address: _____

Applicant (if not property owner): _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Applicant E-Mail Address: _____

Representative: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Representative E-Mail Address: _____

Engineer/Surveyor/Architect: _____ Phone #: _____

(Add additional sheets if including more than one entity)

Mailing Address: _____ City/State: _____ Zip: _____

Engineer/Surveyor/Architect E-Mail Address: _____

According to Section 10.2.5 of the Unified Development Code, a nonconforming use may be changed to a use of a similar or higher classification with the issuance of a Change in Nonconforming Use Permit. "Higher classification" shall be determined by the list below:

1. Open
2. Single-Family Residential
3. Multi-Family Residential
4. Civic
5. Commercial
6. Industrial

The Board of Adjustment shall find that the proposed use will create no greater adverse impacts on the surrounding area than the existing use. A Change in Nonconforming Use Permit shall not be issued for any use that requires the issuance of a Special Use Permit, according to Article 2, or for an off-premise sign. In addition, the Board of Adjustment shall not waive any use standard as set out in Chapter 2.6 with the approval of a Change in Nonconforming Use Permit. However, a companion application for a variance(s) may be filed with an application for a Change in Nonconforming Use Permit.

DESCRIBE JUSTIFICATION FOR REQUEST

HOW WILL THE PROPOSED USE CREATE NO GREATER ADVERSE IMPACTS ON THE SURROUNDING AREA THAN THE EXISTING USE?

I (we) hereby make application for approval of the Change in Nonconforming Use Permit being sought from described above and on the accompanying materials.

I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Board of Adjustment at the next available hearing date.

I (We), owner(s) of the above described property hereby authorize the filing of this application and the above-named persons to act on my behalf.

*Property Owner of Record	Date	Applicant (if not property owner)	Date

*The Property Owner of Record shall sign if they are not the applicant.

**GUIDE FOR SUBMITTING
CHANGE IN NONCONFORMING USE PERMIT APPLICATION**

- A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
- 1) This Application, 8.5"x11" Site/Concept Plan, Survey, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

*For additional information concerning these requirements contact Land Use Control Section at:
(901) 636-6619*

- B. **LETTER OF INTENT** - The letter shall include the following:
- 1) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - 2) A list of any professional consultants associated with the proposed development.
 - 3) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed development is to be designed, arranged and operated in order to limit impact to neighboring properties.
- C. **SITE/CONCEPT PLAN**
Two (2) copies of the site/concept plan shall be submitted and depict the following: (a) property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing adjacent to the subject property; (b) the proposed height, dimensions and arrangements of buildings on the property; (c) the type and location of proposed landscaping; (d) the location of points of ingress/egress (driveways), parking lots and loading areas on the site; and (e) any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds. Site/Concept plan shall be drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres.
- D. **SURVEY**
A stamped and sealed survey by a registered surveyor or Professional Engineer of the subject site. For requests that do not involve new construction, the requirement for submitting a survey may be waived by the Office of Planning and Development.
- E. **VICINITY MAP**
Two (2) copies showing the subject property (boldly outlined) and all parcels within a 500' radius. If the 500' radius includes less than 25 property owners, the radius shall be extended at 100' intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500'. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.
- F. **LIST OF NAMES AND ADDRESSES**
1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown

- on the vicinity map, typewritten on 1"x 2^{5/8}" self-adhesive mailing labels and 2 paper sets.
- 2) Two (2) self-adhesive mailing labels (1"x 2^{5/8}") each for the owner of record, applicant, representative and/or engineer/surveyor.

- G. **FILING FEE** (All Fees Are Subject to Change without Prior Notice)
Change in Nonconforming Use Permit \$300

Please make check payable to "M/SC Office of Planning and Development"

***ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND
THE SUBMITTER MUST RECEIVE A RECEIPT OF
ACCEPTANCE FROM STAFF**