

PLANNING, DEVELOPMENT & SUSTAINABILITY DEPARTMENT

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Determination of Nonconformity Application

Use this application to apply for an official determination of legal non-conformity described in Chapter 10 of the Missoula County Zoning Regulations.

Owner(s) of Record:

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip Code: _____

Email: _____

Applicant (if different than Owner):

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip Code: _____

Email: _____

Send correspondence to the applicant, in addition to the agent.

Authorized Representative (Agent): All correspondence is sent to Agent.

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip Code: _____

Email: _____

Legal Description of Property:

Street Address: _____

Subdivision Name: _____ Tract/Lot No. _____ Block No. _____

Certificate of Survey No.: _____

Geocode or Tax ID# if no street address is available: _____

Attach metes and bounds description if necessary.

INSTRUCTIONS FOR DETERMINATION OF NONCONFORMITY APPLICATION

1. The applicant shall request a pre-application meeting by submitting a completed intake form to the Planning Office.
2. After the pre-application meeting, the applicant shall submit a preliminary application and the associated fee to the Planning Office for completeness review.
3. Once the application is deemed complete, the applicant shall submit one (1) digital copy and one (1) hard copy of the final complete application and related materials.

Required Application Materials

- A. Required plan sheets will be determined at the pre-application meeting or prior to final application submittal and are dependent on the nonconformity determination request.
- B. An explanation for each item noted below.
 1. Proposal. Explain the proposal in detail. Provide details on the who, what, where, when, and why.
 2. Parcel Creation. Please describe how and when the parcel was created and or amended. Deeds, Certificates of Surveys, and Subdivision Plats shall be submitted to support this evidence.
 3. Zoning History. Please provide a history of the zoning dating back prior to the nonconformity. Attach specific zoning resolutions and regulations that documenting changes overtime.
 4. Date of Construction. If applicable, please detail when the subject structure(s) was constructed. Include any enlargements or expansions from the date of original construction. Include any evidence that supports the date of construction. This could include existing permits, utility bills, aerial photos with dates, Sanborn information, tax data, signed and notarized affidavits. Construction shall refer to the placement of materials in a permanent position and fastened in a permanent manner on a site and includes the excavation, demolition, or removal of an existing structure as preparation for rebuilding. In the case of mobile homes, evidence of an established pad or permanent foundation prepared for the mobile home shall be provided.
 5. Use and Operation. If applicable, provide information documenting the last time the use was in operation. If operation of the use ceased, for any amount of time, and was later re-established, that information must be included in this application.
 6. Damage or Loss of Structure. If applicable, describe how and when the structure was damaged. Provide a cost evaluation to the Zoning Officer that has been reviewed by the Missoula County Building Inspector that documents the replacement cost compared to the repair cost.
 7. Change of Use. If a change of use from a legal nonconforming use to another nonconforming use is proposed, provide justification to the Zoning Officer as to how the use is equally or more appropriate than the previous use for the zoning district. Examples of items to be considered include a comparative analysis of traffic, hours of operation, density, number of employees, and environmental impacts.

8. Signage. If applicable, provide the location, type, design, and dimensions of the existing sign and when it was erected or placed on the property. If a legal nonconforming sign was damaged or deconstructed, provide the Zoning Officer an estimate of the repair cost compared to the replacement cost for the sign in its entirety.
9. Temporary Nonconformities. If applicable, provide documentation to the Zoning Officer of the declared emergency, reason and purpose for the temporary nonconforming use or structure and anticipated time that the temporary nonconforming structure or use is intended to remain.
10. Nonconforming Element. If applicable, describe how the nonconforming element is not increasing the degree or extent of the nonconformity.

CERTIFICATION:

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, plans or any other information submitted, as a part of this application, to be true, complete, and accurate to the best of my knowledge.

Should any information or representation provided in connection with this application be found to be inaccurate or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken.

The signing of this application signifies approval for Missoula County, its Elected Officials, Employees, Agents, and Board members to enter onto the property for the purpose of inspection and routine monitoring during the review, approval, and construction process.

Owner Signature(s)

Date

Owner Signature(s)

Date