



APPLICATION INSTRUCTIONS
Expansion or Alteration of a Nonconforming Use

This instruction sheet explains application requirements for requests to expand or alter a nonconforming use. More information and a fee schedule for permits can be found on the "Building Permits, Land Use, and Zoning Procedures" handout available on the township website or from the town clerk. If you are unsure whether a structure or project requires a permit, contact the Eureka Town Clerk at 952-469-3736 or eureka@frontiernet.net.

General Requirements

Expansion or alteration of nonconforming uses is regulated under Eureka Township Ordinance 3, Chapter 1. To be eligible for expansion or alteration, a nonconforming use must have registered with the township as prescribed in Ordinance 3, Ch. 1, Sect. 5, on or before December 31, 2004. You can get a copy of the Eureka Zoning Ordinance from the town clerk or from the Eureka Township website at <http://eurekatownship-mn.us/permits.html>.

Registered legal non-conforming uses may be altered as long as the impact on neighboring properties remains the same. Any alteration of a registered legal non-conforming use which may alter the impact on neighboring properties must go through the expansion process set forth below. Impacts include, but are not limited to, noise, hours of operation, number of trips, sounds, view and any other effect or observable activity associated with the use which might be argued to negatively impact on the health, safety, welfare, and enjoyment of property of adjoining property owners.

Registered legal non-conforming uses may be expanded pursuant to Minn. Stat. 462.357 Subd. 1e(2), as follows:

1. A public hearing shall be held on the proposed expansion.
2. Expansion will be allowed only in conformity with conditions and limitations such as may be required by the Town Board to prevent and abate nuisances, and to protect the public health, welfare, or safety.
3. Whether to permit expansion of a legal non-conforming use is a discretionary decision of the Town Board. Owners and operators of legal non-conforming uses do not have an automatic right to expansion.
4. When determining whether to grant an expansion request, the Town Board shall consider and make findings regarding:
 - a. The additional nuisance impact, if any, of the proposed growth.
 - b. The applicant's history of ordinance compliance.
 - c. Input from neighbors and residents.
 - d. What reasonable conditions, including whether there should be a prohibition on further expansions, should be imposed on the expanded legal non-conforming use.

Documents Required for a Complete Application

To be considered complete, an application for expansion or alteration of a nonconforming use requires all of the following, unless waived by the Zoning Administrator:

1. Completed "Application for Expansion or Alteration of a Nonconforming Use" form, signed by the landowner(s). (If the individual signing the form has power of attorney for the landowner or is acting on behalf of a trust, attach proof that the individual is authorized to act in this capacity).



2. Completed "Nonconforming Use, Structure or Lot Verification Application" form, signed by the landowner(s). (If the individual signing the form has power of attorney for the landowner or is acting on behalf of a trust, attach proof that the individual is authorized to act in this capacity).
3. Application fee and escrow, as set forth in Eureka Township Ordinance 7.
4. Proof of Ownership. Parcel ID will be used for verification of ownership; conflicts must be resolved with a proper deed.
5. Two (2) copies of a certificate of survey of the lot or tract of land on which the use occurs, prepared and signed by a Minnesota-licensed land surveyor. The survey shall include (a) the legal description of the lot, (b) lot lines, and (c) the size of the lot.
6. Two (2) copies of a site plan showing all of the following:
 - a. Location of existing buildings
 - b. Location of well
 - c. Location of septic system
 - d. Location of existing driveway(s)
 - e. Location of wetlands
 - f. Location, setback, and dimensions of all proposed buildings and structures.
 - g. Location of all adjacent buildings located within 100 feet of exterior boundaries of the property in question.
 - h. Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles.
 - i. Location, width, and setbacks of any proposed driveway(s).
 - j. Vehicular circulation
 - k. Location and type of all proposed lighting, including details of all proposed fixtures.
 - l. Location, size, and lighting of all proposed signs.
 - m. Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.
7. A landscaping plan for purposes of screening, utilizing current certificate of survey as a base for the site in question, depicting the following:
 - a. Location of plant materials
 - b. Quantities
 - c. Common Names
 - d. Size of plant material
 - e. Planting schedule

In addition, other permits may be required as follows:

- For new structures, building permits are required by Eureka Township.
- For new driveways that front on a county road, a permit is required from the Dakota County Highway Department.
- If the land parcel is located in the Dakota County Shoreland Zoning area, a Shoreland permit is required from the Dakota County Planning Department.
- If the land parcel is located in the North Cannon River Watershed District, a storm water permit may be required by Eureka Township.