



APPLICATION INSTRUCTIONS
Verification of a Nonconforming Use, Structure or Lot

This instruction sheet explains application requirements for requests to verify that an existing use, structure, or lot is nonconforming. More information and a fee schedule for permits can be found on the "Building Permits, Land Use, and Zoning Procedures" handout available from the Eureka Town Clerk at 952-469-3736 or eureka@frontiernet.net, or from the Eureka Township website at <http://eurekatownship-mn.us/permits.html>.

General Requirements

A nonconforming use or structure is defined in Eureka Township Ordinances as "Any structure or use lawfully established prior to the effective date of these Ordinances but which is not permitted under the provisions of these Ordinances" (Eureka Township Ordinance 1, Ch. 4). 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>.

Documents Required for a Complete Application

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

1. 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).
2. Application fee and escrow, as set forth in Eureka Township Ordinance 7.
3. Proof of Ownership. Parcel ID will be used for verification of ownership; conflicts must be resolved with a proper deed.
4. Two (2) copies of a certificate of survey of the lot or tract of land on which the structure is located or 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) size of the lot.
5. Documentation or evidence of the following:
 - a. that the structure, lot, or use conformed to township ordinances when the structure was built, the lot was created, or the use commenced; and
 - b. that the structure, lot, or use existed as of September 7, 2004; and
 - c. that the use has operated continuously since September 7, 2004, without discontinuation for a period of twelve consecutive months.

Examples of acceptable documentation include but are not limited to the following:

- Deeds applicable to the property
- Building and/or land use permits
- Letters or bills from utility companies
- Lease agreements containing descriptions of the property uses
- Sketch or plan indicating area occupied by structure and/or use
- Sworn affidavits from persons with knowledge of the use
- Plats/plans
- Tax records
- Dated photographs
- License(s)
- Bills
- Receipts