



## PLANNING AND DEVELOPMENT SERVICES

BOISE CITY HALL: 150 N. CAPITOL BLVD | MAIL: PO BOX 500, BOISE ID 83701-0500

CITYOFBOISE.ORG/PDS | P: 208-608-7100 | F: 208-384-3753 | TTY/TTD: 800-377-3529

# Legal Non-Conforming Use Application Submittal Requirements

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- 1. **Completed Application**
- 2. **Detailed Letter of Explanation** which includes the non-conforming use you are applying for, and a history of the property and the documentation being provided.
- 3. **Statement of Legal Interest** (download [form](#)). Form must be completed by the legal owner of record.
- 4. **Detailed Site Plan** which includes:
  - a. Name of plan preparer, date, north arrow and scale (if applicable)
  - b. Property lines
  - c. Dimensions of all structures, labelled as to use
  - d. Existing landscaping
  - e. Dimensions of parking areas and walkways
  - f. Other property descriptions which would document existing land use characteristics
- 5. **Site Photos**, colored and labeled.
- 6. **Two Forms of Use Existence Documentation**. A minimum of two forms, or combination thereof, which covers the time period in question are required. Documentation must prove the following:
  - a. The use was on site prior to the Boise City Zoning Ordinance establishment (August 14, 1966) or the use was legally established in the County prior to the date of annexation into Boise City, whichever date is later.
  - a. The use has been continuous since the Boise City Zoning Ordinance establishment, or the date of annexation into Boise City, whichever date is later.

### Examples documentation may include:

- i. Copies from city (Polk) directories showing use of property from (Date) to (Date). Polk directories are available on the 3rd Floor of the Boise Public Library.



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- ii. Notarized letters from (Name) who lives nearby at (Address), verifying and describing the use from (Date) through (Date).
- iii. Assessor's tax records (only available from 1977 to current).
- iv. Licenses showing dates of use (Food, beverages, animal, etc.)
- v. Statements from utilities such as power, water or gas, which indicate the use and date.
- vi. Receipts from purchases relating to the use or for goods or services provided if the use is a type of business. If the property is rented, receipts or ads showing dates of use.

### Note:

If a non-conforming use is discontinued or had been discontinued for a period of 6 months for residential or agricultural uses, 1 year for commercial and industrial uses, or 2 years for livestock use, then grandfather rights cease. If you lose a grandfather right, it cannot be re-established under the Boise City Code. In such a case, the property may only be used for purposes specified in the Zoning Ordinance. The non-conforming use must either be discontinued or moved to a property which has the correct zoning.

### APPLY ONLINE



#### P&L SYSTEM - APPLICATION

Enter details and submit.  
Revisit for status updates and  
Public Record.



#### ePlanReview

Open email from ePlanReview,  
Click Log-in to Case Number,  
Follow steps to upload/submit files.



#### P&L SYSTEM - PAY FEES

Wait for confirmation email.  
Return to P&L System to pay fees.

Start the process at [cityofboise.org/permits](https://cityofboise.org/permits)