#113: Non-Conforming Use

Application Submittal Requirements

☐ 1. **Vicinity Map** showing location and current zoning of the property. Please indicate the location of your property on the map.

☐ 2. **A notarized written request** to the Director of Boise City Planning & Development Services, written in the following format:

   “(Name), wish to establish a non-conforming use at (Address). On August 14, 1966, the effective date of the Boise City Zoning Ordinance (or the date of annexation into Boise City, whichever date is later) property was being used as (Identify Non-Conforming Use). This use is not allowed in the current (Zone) zone.

   The non-conforming use consists of (List each non-conforming use that you are applying for). The documents I have submitted to substantiate the existence of the use between (Date) and (Date) are attached.”

**Note:** A minimum of two forms of documentation, or combination thereof, which covers the time period in question shall be submitted with this application.

☐ 3. **Documentation of Existence** examples include:
   a. 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.
   b. Notarized letters from (Name) who lives nearby at (Address), verifying and describing the use from (Date) through (Date).
   c. Assessor’s tax records (only available from 1977 to current).
   d. Licenses showing dates of use (Food, beverages, animal, etc.)
   e. Statements from utilities such as power, water or gas, which indicate the use and date.
   f. 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 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, or 1 year for commercial and industrial uses, then a grandfather right ceases. 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 zone.

☐ 4. **Site Plan:**
   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
Affidavit of Legal Interest

State of Idaho )
) ss
County of Ada )

I, _________________________________________, __________________________________________
Name        Address
___________________________________________, __________________________________________
City        State
being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my
permission to ___________________________ __________________________________________
Name      Address
to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold Boise City and its employees harmless from any
claim or liability resulting from any dispute as to the statements contained herein or as to
the ownership of the property which is the subject of the application.

Dated this ___________________________ day of ______________________________, 20______

__________________________________________________________________
Signature

Subscribed and sworn to before me the day and year first above written.

Notary Public for Idaho

Residing at: ___________________________________________________

My commission expires: __________________________________________