CERTIFICATE OF NONCONFORMITY
(Section 120-191B)
BUREAU OF BUILDINGS AND ZONING
CITY HALL, 30 CHURCH STREET, ROOM 125B
ROCHESTER, NEW YORK 14614

City of Rochester, NY

APPLICATION

APPLICATIONS ARE ACCEPTED BY APPOINTMENT ONLY. To schedule an appointment, please contact Jasmine Myers at 585-428-8822 or by email: Jasmine.Myers@CityofRochester.gov

Office Use	APPLICATION REQUIREMENTS:
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	1. Fee: $150.00. Fee can be paid for online (credit card) with a link provided by staff *or* by check made payable to the 'City of Rochester'. 2. One (1) copy of the Denied Certificate of Zoning Compliance (CZC). 3. One (1) copy of this application, including a completed intensity of use chart. 4. One (1) copy of the Environmental Assessment Form. Download the site specific form using the NYSDEC database here: http://www.dec.ny.gov/permits/6191.html. 5. One (1) copy of an instrument survey map. 6. One (1) copy of a scaled site plan if site changes are proposed. 7. One (1) copy of a scaled floor plan. 8. Photographs of the interior and exterior of the subject building(s) on the site, and exterior photographs of the surrounding properties provided on paper or digitally in JPG format. 9. One (1) set of all drawings, graphics and photographs on 8-1/2" x 11" paper or provided digitally in PDF format.

WHAT IS THE PURPOSE OF A CERTIFICATE OF NONCONFORMITY?

A nonconformity is any use lawfully being made of land, buildings, or structures, which does not comply with the current Zoning Code in the district in which it is located. This application is used to determine the pre-existing rights to a nonconformity. The Certificate of Nonconformity application is used to determine: the potential change of intensity from one nonconforming use to another nonconforming use; whether or not there has been a period of vacancy that has caused the use to be abandoned or discontinued; if the structure was built for its current use; or to extend a period of vacancy due to extensive rehabilitation of the structure.

Documents that may be helpful are:

☐ To determine the Intensity of an existing use or for a change of use.
1. Copies of City Directory listings. City Directories can be found at the Rundel Library, Local History Division, 585-428-8370 or lochist@libraryweb.org and online at https://roccitylibrary.org/digital-collections/rochester-city-directories/rochester-city-directories-by-decade/#.
2. Rent receipts, bills of sale for goods and services, utility records, tax records, receipts from contractors, receipts from associated businesses, etc.
3. Newspaper ads or articles related to the uses on the site. The Democrat and Chronicle has digitized newspapers going back to the 1870s. These are searchable online (for a small fee) https://democratandchronicle.newspapers.com/.
4. Affidavits, sworn to and notarized, describing both the proposed and the previous uses by persons who are familiar with the property over an extensive period of time, but have no financial interested in the property.

☐ To prove built-as status. An engineer's report prepared by a licensed design professional in the state of New York, which certifies the original construction for the desired use.

☐ To extend a period of vacancy due to extensive rehabilitation. Cost estimates for repair, including a project schedule.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. **PROJECT ADDRESS(ES):** _____

2. **APPLICANT:** _____ **COMPANY NAME:** _____

   ADDRESS: _____ **CITY:** _____ **ZIP CODE:** _____

   PHONE: _____ **FAX:** _____

   E-MAIL ADDRESS: _____

   INTEREST IN PROPERTY: Owner _____ **Lessee** _____ **Other** _____

3. **DETAILED PROJECT DESCRIPTION (additional information can be attached):** _____

   _____

   _____

   _____

   _____

4. **LIST THE CURRENT AND PREVIOUS USE(S) OF THE PROPERTY AND WHERE THEY WERE LOCATED EITHER WITHIN THE STRUCTURE OR ON THE PREMISES, INCLUDE DATES OF OPERATION:** _____

   _____

   _____

   _____

   _____

5. **DESCRIBE WHEN, WHERE AND WHY THE PROPERTY VACANCIES OCCURRED:** _____

   _____

   _____

   _____

   _____

6. **ZONING DISTRICT:** _____

APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: _____ **DATE:** _____

OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

SIGNATURE: _____ **DATE:** _____