



City of Apache Junction
Development Services Department
300 E. Superstition Blvd.
Apache Junction, AZ 85119
(480) 474-5083
www.apachejunctionaz.gov



Legal Nonconforming Status Application

City of Apache Junction
Development Services Department
<http://www.apachejunctionaz.gov/81/Development-Services>

APPLICATION PROCESS

Applicants need to be aware that the designation of a “legally nonconforming use or activity” is a privilege, not a right and that burden of proof is upon the applicant.

Legally nonconforming status pertains to any structure utilized, or any use established, prior to March 7, 1985; or any lawful use established, or any lawful structure erected, subsequent to March 7, 1985, which is made nonconforming as a result of any change in the Apache Junction Zoning Ordinance.

No permit or license shall be issued for an alleged nonconforming use or structure until application for legal nonconforming status has been reviewed by staff and approved. Exceptions to this include any permits, licenses, documents or contracts necessary to extinguish or terminate such nonconformity.

Once the application packet has been submitted, along with the non-refundable review fee, staff will review the documents provided and investigate local City and County records to further verify the use and/or activity to which the property is being and has been put. This evaluation process may take anywhere from two weeks to one month, depending upon the details of the specific case. Final determination of legal nonconforming status is made at the staff level. Should an appeal of this decision be desired, it may be filed with the Development Services Department and will be heard by the Board of Adjustment.

LEGAL NONCONFORMING STATUS APPLICATION

SUBJECT INFORMATION	
PROPERTY ADDRESS:	ASSESSOR'S PARCEL NO.
GROSS ACREAGE:	CURRENT ZONING DISTRICT:
PROPERTY OWNER	
NAME:	
MAILING ADDRESS:	
EMAIL:	TELEPHONE:
APPLICANT	
NAME:	
MAILING ADDRESS:	
EMAIL:	TELEPHONE:
OWNER AUTHORIZATION	
I hereby certify that the above information is correct, and that I am authorized to file an application on said property, being either the owner or authorized agent to file on behalf of the owner. Anyone applying without authorization from the property owner(s) shall be subject to penalty under all applicable laws.	
_____ Property Owner Signature	_____ Date
_____ Applicant Signature	_____ Date
REVIEW TIMEFRAME	
ADMINISTRATIVE COMPLETENESS REVIEW: 5 DAYS	REVIEW OF SUBMITTAL: 30 DAYS

LEGAL NONCONFORMING STATUS APPLICATION

SUBMITTAL CHECKLIST

PLEASE RETURN THIS APPLICATION WITH YOUR SUBMITTAL. SUBMITTALS WITHOUT THE INFORMATION BELOW WILL BE CONSIDERED INCOMPLETE AND WILL BE REJECTED. ALL SUBMITTAL MATERIALS MUST BE DELIVERED IN PDF FORMAT.

- ☐ Project Narrative of Proposed Request:
 - Describe the requesting being made (what is nonconforming on the property)
 - Date the Activity/Use Originally Began
 - Original Owner to Establish Activity/Use
 - Original Owner Contact Information (if known)
 - If Activity/Use has been continuous (If not, what was duration of inactivity/nonuse)
- ☐ One (1) original each of three (3) notarized affidavits including a brief, clear description of the situation from persons with personal knowledge of the situation
- ☐ One (1) copy of written permission to interview the witnesses if necessary (witness may choose not to participate)
- ☐ One (1) original certification of legal authority to represent owner
- ☐ One (1) copy of any other supporting documentation that may be applicable, such as:
 - Previous utility or telephone bills verifying history of usage
 - Photographs that clearly show situation
 - Previous tax notices or evaluations showing assessed usage
 - Prior building permits or permit information
- ☐ Legal Description of the Property
- ☐ Application Fees

Fees for Legal Nonconforming Status Applications

Legal Nonconforming Status Letter*	\$450
Recording Fee	\$50

* Add 4% technology fee to the application fee plus a \$25 GIS fee.

Affidavit in Support of Nonconforming Activity/Use

Name of Affiant _____

Address of Affiant _____

Telephone Number of Affiant _____

Available for interview ☐ Yes ☐ No

Affiant states that he/she has personal knowledge and there is probable and reasonable cause to believe that:

Signature _____ Date _____

STATE OF ARIZONA)
) SS
COUNTY OF PINAL)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20__ by
_____.

Notary Public

My Commission Expires _____