

## NON-CONFORMING STRUCTURE/USE WORKSHEET 2-25

Improvements to structures nonconforming to current ordinance standards are subject to a 50% improvement value limitation. This applies to structural additions (expanding outside existing footprint) to an existing structure that does not conform to road and/or sideyard setbacks. The 50% improvement value limitations also applies to any structure not in conformance with Oconto Co Floodplain Ordinance Sec. 26.601 Nonconforming Uses. Discuss with Zoning staff for clarification of applicability. The 50% improvement limitation is associated with the present Equalized Assessed Value (EAV) of the nonconforming structure.

1. **PURPOSE OF APPLICATION:** (Check all that apply)      2. TAX PARCEL # \_\_\_\_\_  
PROPERTY ADDRESS \_\_\_\_\_
- ☐ Expansion/Addition/Modification/\*Maintenance & Repair of Structure/Use  
☐ Relocation of Structure to a conforming location  
☐ Change of Use: Existing \_\_\_\_\_ Proposed \_\_\_\_\_

3. **NC STRUCTURE/USE IS LOCATED WITHIN THE SHORELAND JURISDICTION?** (located within 300 feet of a navigable stream or 1000 feet of a lake or reservoir) Yes \_\_\_\_\_ No \_\_\_\_\_

**NC STRUCTURE/USE IS LOCATED WITHIN THE FLOODPLAIN BOUNDARY?** Yes \_\_\_\_\_ No \_\_\_\_\_

**NOTE:** Setback dimensions are measured horizontally, not along sloped ground. Locations of setbacks or flood elevations, existing and proposed structures may require a professional survey. The applicant, not the County, bears the burden of proving that the proposed land use activity meets the standards of Zoning/Floodplain Ordinances (where applicable).

4. **CURRENT N/C STRUCTURE DIMENSIONS & YEAR OF CONSTRUCTION**  
(Length x width in feet) \_\_\_\_\_ YEAR BUILT \_\_\_\_\_

5. **PROPOSAL:** (describe in detail the proposed expansion; include all areas where there will be structural improvements)

6. **PREVIOUS IMPROVEMENTS:** (consultation with dept. staff may be necessary)

Permit #	Date	Description of expansion	Amount of 50% used
_____	_____	_____	_____
_____	_____	_____	_____

7. **DETAILED COST OF PROPOSED STRUCTURAL IMPROVEMENTS:** (requires an independent contractor bid for above described work showing the cost of materials and labor; or if work is being done by the property owner, must provide a materials list with costs and an estimate from a contractor showing the estimated cost and time to complete the job) **All bids must be placed on company letterhead and signed. All construction costs/sq ft are to be associated with "ready to move in" costs (includes finished interior and exterior).**

\$ \_\_\_\_\_

8. **PRESENT EQUALIZED ASSESSED VALUE (EAV):** *The town assessor should provide the present equalized assessed value of the structure. Attach documentation stating the value of the affected structure.* \$ \_\_\_\_\_

		Example
Calculations:	Value of existing structure (see #8)	_____ (\$20,000)
	Cost of the proposed project*	_____ (\$4000)
	% of structural work	_____ (20%)
	% done on previous projects (see # 6)	_____ (25%)
	% remaining	_____ (5%) If less than zero, proposed structure cannot be built w/out modification.

% remaining is a cumulative total such that once 50% is reached over the life of structure, the structure has to be brought into compliance with the Oconto County Zoning and/or Floodplain Ordinance prior to any future permits.

**\*Owner or contractor must show a detailed contractor's list to demonstrate cost materials cost and the labor to complete the project on the contractor's letterhead and signed. Please be aware that if the discovery of the project will exceed the proposed project cost estimate, contact the Zoning Office at (920) 834-6827 so staff can review and possibly amend the permit. Failure to notify the Zoning office of the overage will result in the stopping of the project until all necessary permits are acquired or structural components removed that are not permitted at owners' expense.**

For any nonconforming structure/use in floodplain, or any addition to a nonconforming structure: structural alteration, structural addition or structural repair/maintenance to any building or structure with a non-conforming use or any non-conforming building or structure, over the life of the building or structure, the improvement shall not exceed a cumulative 50 percent of its present equalized assessed value unless it is permanently changed to conform to the requirements of this ordinance. Previous construction may have used a portion or all of the allowable 50% since it is a cumulative total over the life of the structure.

The Wisconsin Supreme Court provides guidelines to distinguish “structural repairs” from “non-structural repairs”. In judging proposed improvements, it is construed that structural repairs include:

- work that would convert an existing building into a new or substantially different building.
- work that would affect the structural quality of the building.
- proposed improvements that would contribute to the longevity or permanence of the building.

**Work that is deemed Structural Improvements:** Repair, replacement or addition of roof trusses, sheeting, foundations, studs in load bearing walls, any support beams interior or exterior, floor trusses, enlarging or reducing a door or window. A build out of an addition or second story addition will be reviewed based on comparable cost/sq ft associated with a “ready to move in” cost and may include items noted in routine maintenance as one complete project.

**\*Work that may be deemed Routine Maintenance:** Ordinary maintenance repairs are not considered modifications or additions; these include internal and external painting, decorating, paneling and the replacement of doors, windows without structural modification and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.

\*Other individual actions that are commonly considered routine maintenance and repairs, include:

- re-roofing with new shingles or other roofing materials;
- replacement of existing windows or doors (same dimensions only)
- painting or re-siding;
- repairs to plumbing and electrical systems;
- installation or replacement of insulation;
- installation or replacement of heating and air conditioning unit;
- installation or replacement of on-site sewage waste disposal system;
- rewiring to comply with electrical codes; and
- alterations, repair or maintenance done under emergency conditions to preserve or protect life or property.

**\*However, if on a per event basis, routine maintenance is done in conjunction with a structural improvement project it is subject to 50% improvement value limitations. Routine maintenance, solely on its own, may be included as an improvement if exceeding 50% of the EAV. (example: tear out/gutting of interior room or rooms where the maintenance/repair exceeds 50% of the EAV). Consult with Zoning Staff prior to any maintenance work as permits may be required.**

An illegal expansion or enlargement of a nonconforming use invalidates the legal nonconforming use as well as the illegal change. Please note that each day a violation exists, it constitutes a separate offense, with each offense being subject to an enforcement action. Approval of an application or plan by Oconto County shall not be construed as an assumption of any responsibility on the part of the county for the design or construction of the building.

Section 14.406 Compliance of the Oconto County Zoning Ordinance:

*The use, size, height or location of buildings hereafter erected, converted, enlarged or structurally altered, the provision of open space and the use of land or premises, shall be in compliance with the regulations established herein. No residential building, mobile home, commercial or industrial building may be occupied before the provisions of this Ordinance and the Oconto County Sanitary Ordinance have been complied with.*

**By signing this document, the Property Owner is aware of the requirements and limitations involved with structural improvements/maintenance to a non-conforming building and will be subject to removal or full compliance if exceeding the permit requirements.**

Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Agent of Owner: *requires property owner signature*

I \_\_\_\_\_ authorize \_\_\_\_\_  
(Property Owner) (Agent)

to act as agent in my behalf, to apply for all necessary permits pertaining to my property listed above.

## **NON CONFORMING STRUCTURES- IS IT 50% YET?**

In order to explain the “50% rule”, it is easiest to use an example. Let’s assume that the owner of a nonconforming house wishes to build an addition. If the house had a present equalized assessed value of \$20,000, the property owner would be able to make improvements valued at 50% of the present equalized assessed value of the structure or \$10,000. The improvement would have to be built to zoning/floodplain standards. Any further additions, structural modifications or structural repairs would not be allowed unless the entire building was changed to meet the requirements for a new structure or current code standards.

Additions, structural modifications and structural repairs which are permitted are cumulative over the life of the structure. Therefore, if, in the example above, the property owner constructed a \$10,000 addition, no further additions, structural modifications or structural repairs would be allowed even in the future because the 50% improvement limit had been reached. Routine maintenance may be counted towards the 50% cumulative value or as a one-time improvement where floodplain standards apply. Consult with Zoning staff for applicability.

However, in order to continue this example, let’s assume the addition was valued at \$4,000, or 20% of the present equalized assessed value of the house (\$20,000). Then, five years later, the property owner again comes in and wishes to expand a living room. In the meantime, the equalized assessed value of the house increased from \$20,000 to \$30,000. The value of the expansion is \$3,000 or 10% of the present equalized assessed value of the structure. The property owner has now accumulated 20% + 10% or 30% of the allowable improvement work.

Finally, three years later, when the equalized assessed value of the house is \$40,000, the property owner again wishes to modify the house to the extent of \$10,000. \$10,000 is 25% of \$40,000; therefore, the property owner could not make these modifications since they had already accumulated 30%, and an additional 25% would be greater than the allowable 50%. However, the property owner could make modifications equal to 20% of the present equalized assessed value of the home, or \$8,000. Though after that 20% is used up no further additions, structural modifications or structural repairs would be permitted.

This example is further clarified in the following chart. Please note that the base for computations is not the original value of the home, but the value at the time of the intended structural work.

YEAR	PRESENT EQUALIZED VALUE OF STRUCTURE	VALUE OF STRUCTURAL WORK	PERCENT OF STRUCTURAL WORK	CUMULATIVE PERCENTAGE	PERMITTABLE
1998	\$20.000	\$4.000	20%	20%	YES
2003	\$30.000	\$3.000	10%	30%	YES
2006	\$40.000	\$10.000	25%	55%	NO
	\$40.000	\$8.000	20%	50%	YES

**Please note that the present equalized assessed value of the structure must be obtained from the town assessor. Your tax bill shows a value for all improvements on the parcel. The town assessor can provide the value of the specific nonconforming structure in question.**