Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

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FAX: (540) 722-3618
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APPLICATION FOR A TEMPORARY CHANGE OF USE

Applicant's Name: _____ Email (optional):_____

Applicant's Address:_____ Telephone Number:_____

A Change of Use is requested at the following location: _____

_____

(Be specific if this is only a portion of a building – e.g. 123 Main St, ground floor, Suite 100)

Current Use:_____ Proposed Use: _____

Duration of Proposed Use: _____

Will there be any alterations to the interior or exterior of the building? _____ **Yes** _____ **No**

If Yes, provide short description:_____

Will there be any: _____ Electrical _____ Plumbing _____ Gas _____ Mechanical

Located in: Historic District? ___**Yes** ___**No** Flood Plain? ___**Yes** ___**No** Corridor Enhancement Area? ___**Yes** ___**No**

Site Plan # (if applicable) _____

Applicant's Signature:_____ Date: _____

_____ Approved _____ Disapproved

Comments: _____

_____ Date: _____

Zoning Official

_____ Approved _____ Disapproved

Comments: _____

_____ Date: _____

Planning Department

_____ Approved _____ Disapproved

Comments: _____

_____ Date: _____

Building Official

Change of Use Inspection Fee
Residential……$ 40.00
Commercial……..$100.00

Checks Payable To: Treasurer, City of Winchester
Amount Received: _____
Date:_____ (111-0000-313.04)

"To be a financially sound city providing top quality municipal services while focusing on the customer and engaging our community."

CHANGE OF USE IN AN EXISTING BUILDING

Note: Changing the use of a building can range from a very simple process to a very complex one depending on the current use of the building and the proposed use of the building.

The Virginia Uniform Statewide Building Code defines a *change of use or occupancy* as:

- A change in the use or occupancy of any building or structure that would place the building or structure in a different division of the same group of occupancies or in a different group of occupancies; or a change in the purpose or level of activity within a building or structure that involves a change in application of the requirements of the code.

A change of ownership without changing the existing use is not required to comply with this procedure.

Section 103.3 states: Change of Occupancy. No change of occupancy shall be made in any structure when the current USBC requires a greater degree of accessibility, structural strength, fire protection, means of egress, ventilation, or sanitation. When such a greater degree is required, the owner or the owner's agent shall comply with the following:

1. When involving Group I-2 or I-3, written application shall be made to the local building department for a new certificate of occupancy and the new certificate of occupancy shall be obtained prior to the new use of the structure. When impractical to achieve compliance with this code for the new occupancy classification, the building official shall consider modifications upon application and as provided for in Section 106.3. In addition, the applicable accessibility provisions of Section 1012.8 of Part II of the Virginia Uniform Statewide Building Code, also known as the "Virginia Rehabilitation Code," of the "VRC" shall be met.

   Exception: This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

2. In other than Group I-1 or I-3, the provisions of the VRC for change of occupancy shall be met.

1012.8.2 Change of Occupancy. Existing buildings, or portions thereof, that undergo a change of group or occupancy shall have all of the following features:

1. At least one accessible building entrance.
2. At least one accessible route from an accessible building entrance to *primary function* areas.
3. Signage complying with Section 1110 of the International Building Code.
4. Accessible parking, where parking is provided.
5. At least one accessible passenger loading zone, where loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Depending on the proposed new use and the extent of alterations, plans and additional information may be required.

The Building Official may require such plans or documents to be sealed by a *Virginia Registered Design Professional (RDP).*

Changes of Occupancy may comply with either of the following codes:

- 2012 Virginia Construction Code
- 2012 Virginia Rehabilitation Code

To determine if the above requirements have been met, complete a Change of Use Application and submit it and any plans or documents to the City of Winchester Zoning & Inspections Office for review by the Zoning, Planning, and Building Officials.

Copies of the Virginia Construction Codes may be viewed at:
http://www.dhcd.virginia.gov/index.php/va-building-codes/building-and-fire-codes/building-and-fire-code-overview.html

Right of appeal; filing of appeal application. The owner of a building or structure, the owner's agent or any other person involved in the design or construction of a building or structure may appeal a decision of the building official concerning the application of the USBC to such building or structure and may also appeal a refusal by the building official to grant a modification to the provisions of the USBC pertaining to such building or structure. The applicant shall submit a written request. (USBC 119.5)