

KENT COUNTY LEVY COUNTY POLICY (Revised) P12-01

SUBMITTED BY: Commissioner Eric L. Buckson
ADOPTION DATE: June 12, 2012
EFFECTIVE DATE: Upon Adoption

Policy 20, Planning and Zoning, § 20-5. After the Fact Building Permits.

This Policy establishes guidelines for instances when new construction (principal structure, accessory structure, or addition) is completed by a previous property owner without appropriate permits and inspections and without the knowledge of the current property owner.

- A. Whenever it is determined that new construction was completed by a previous property owner without applicable permits and inspections and without the knowledge of the existing property owner, a building permit shall be secured but no associated permit fees or surcharges shall be charged. The existing property owner shall be required to sign an affidavit certifying that he or she has no knowledge of the improvement being made without a building permit. Conversely, when new construction is completed by a current property owner without applicable permits and inspections, a building permit shall be secured and the applicant shall be subject to all applicable fees including the "After the Fact" fee established in the Kent County Fee Ordinance.
- B. If the approximate date of construction can be determined, such construction shall be permitted and inspected according to the building codes in effect at the time of construction. If the date of construction cannot be determined, Inspection & Enforcement staff shall use their professional judgment to determine that the new construction meets applicable life/safety standards.
- C. If such improvement is not compliant with the applicable area and bulk regulations of Chapters 205, Zoning and 187, Subdivision and Land Development, it shall be considered legal nonconforming and not require alteration, relocation, variance, or waiver.
- D. This policy shall become effective immediately upon adoption by Levy Court.