

ZONING

18 Attachment 9

Certificate Of Nonconformity Application



Borough of West Long Branch New Jersey

CERTIFICATE OF NONCONFORMITY APPLICATION TO THE ZONING OFFICER

The following provides a description of the instructions for making an application for a certificate of nonconformity. When a municipality adopts a zoning ordinance or when an existing ordinance is changed there are some uses that are not listed as permitted uses and/or structures that do not conform to the new zoning regulations. These are known as pre-existing nonconforming uses and/or structures. In recognition of this nonconformity the New Jersey Municipal Land Use Law (MLUL) contains provisions designed to protect property owners from losing their property rights that would pre-date the zoning regulations. The Zoning Officer is authorized to consider whether a particular use or structure qualifies for protection to what is known as pre-existing non-conforming uses or structures. A property owner is required to apply for this protection within one (1) year from adoption of the ordinance making it non-conforming. However, an application beyond the one-year time limit must be made to the Zoning Board of Adjustment pursuant to NJSA 40:55D-68 of the MLUL.

1. Mandatory Submission Items & Application Checklist

Certificate of Nonconformity Being Sought for Nonconforming: (please check all that apply)

Use ☐
Structure ☐

Existing Use of Property: _____

Year Structure Built or Use
Commenced: _____

Date of Ordinance Which
Changed the Zone, if Applicable: _____

Ordinance Number: _____

WEST LONG BRANCH CODE

Describe the Non-Conformity:

2. Supporting Claim of Nonconformity

The burden of proof of the nonconformity lies with the applicant. You must submit sufficient evidence to support your application in order to be issued such Certificate.

Possible examples of accepted evidence or documentation of proof supporting a claim of Nonconformity include, but are not limited to:

- Property Record Card
- Certificate of Occupancy
- Building Permits
- Zoning Permits
- Board Resolution / Site Plan Approval
- Township Minutes
- Rental Property Registration
- Fire Safety Inspection Reports
- Previously Recorded Deeds
- Advertisements or Telephone Directory
- Other Township, County or State Documents

Applicants are not precluded from submitting personal documents which may support the claim of Nonconformity. Applicants are cautioned, however, that this category of documents may or may not be accepted by the Zoning Officer. Examples include, but are not limited to:

- Property Surveys
- Utility Bills
- Lease Agreements and/or Rent Receipts
- Fire and/or Flood Insurance Policies
- Private Inspection Reports
- Third Party Affidavits

Applicant may want to consider professional assistance due to the complexity of the request.