



ZONING PERMIT APPLICATION FOR CERTIFICATE OF NONCONFORMITY FROM ZONING OFFICER

Township of Mahwah, 475 Corporate Drive, Mahwah, NJ 07430

DATE OF SUBMISSION:	APPROVED:	DATE:
APPLICATION FEE (\$10.00) PAID:	DENIED:	DATE:
FOR OFFICE USE		

BLOCK **LOT(S)** **ZONE**

PROPERTY ADDRESS

APPLICANT TELEPHONE

ADDRESS (if different from above) EMAIL

PROPERTY OWNER (if different from above)

ADDRESS

PROFESSIONAL(S) REPRESENTING APPLICANT

ADDRESS TELEPHONE

EMAIL

PRESENT USE

CERTIFICATE OF NONCONFORMITY BEING SOUGHT FOR NONCONFORMING:

USE ☐ STRUCTURE ☐ BOTH ☐

Explain in detail the present nature of the nonconformity (attach additional sheets if necessary)

List the types of evidence supporting the claim of nonconformity (attach said evidence hereto)

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I hereby affirm that all of the above statement and statements contained in the papers submitted herewith are true.

Signature of Applicant Date

Address

I hereby affirm that I am the owner of the premises involved in this application and that I consent to the filing of the application.

Signature of Owner Date

Address

CERTIFICATE OF NONCONFORMITY GUIDELINES
Township of Mahwah

Welcome to the Township of Mahwah Planning & Zoning Department's Certificate of Nonconformity Application to the Zoning Officer process. The following description provides a general overview of the instructions for making an application. When a municipality adopts a zoning ordinance or when an existing zoning ordinance is changed, inevitably there will be uses that are newly prohibited and structures that do not conform with the new bulk conditions – these are known as preexisting nonconforming uses and structures. The rules and procedures that address these uses and structures derive from the principle that it is inequitable to strip away a person's lawfully asserted property rights retroactively. In recognition of this principle, the Municipal Land Use Law (MLUL) contains provisions designed to protect landowners from losing property rights that pre-date land use regulations. In that respect, the Zoning Officer is authorized to consider whether a particular use or structure qualifies for the protection afforded to legal, pre-existing nonconforming uses and structures when a party applies for it within one year from adoption of the ordinance making a use non-conforming. However, an application beyond the one-year time limit must be made to the Zoning Board of Adjustment as regulated by N.J.S. § 40:55D-68 of the MLUL.

INCLUDE THE FOLLOWING WITH THE APPLICATION:

- Existing Use of Property
- Year Structure Built or Use Commenced
- Date of Ordinance Which Changed the Zone, if applicable
- Ordinance Number

SUPPORTING CLAIM OF NONCONFORMITY

The burden of proof of the nonconformity lies with the applicant. Sufficient evidence must be submitted to support the 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:

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| • 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. Examples include, but are not limited to:

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