

FILE NO: _____

DATE: _____

RECEIPT NO: _____

DETERMINATION OF NONCONFORMITY APPLICATION

RECORDED PROPERTY OWNER INFORMATION

Name: _____

Mailing Address: _____

Telephone: _____

APPLICANT INFORMATION

Name: _____

Mailing Address: _____

Telephone: _____

Principles/Address: _____

PROJECT INFORMATION

Project Name: _____

Location (Lot, Block, Plat): _____

No. of Units/Bedrooms/Commercial Area: _____

Street Address: _____

Applicant's Signature

DETERMINATION OF EXISTENCE OF A NONCONFORMING USE

The existence and extent of a nonconforming use shall be a question (matter) of fact to be determined by the Zoning Administrator. If, after investigation and on-site inspection, the Zoning Administrator cannot make a confident determination, he may require the property owner to apply to the Board of Zoning Appeals for a determination of nonconformity following a public hearing.

A **nonconforming use** is defined as a building or land which does not conform to the height, area, bulk, parking, setback or lot area requirements or use regulations of the district in which it is located.

The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

The following fees shall be paid by the applicant to the Town of Ocean City, Maryland upon making application for determination of nonconformity:

- (1) For a determination by the Zoning Administrator: \$258.00.
- (2) For a determination by the Board of Zoning Appeals following a public hearing: \$632.00.

The following information is necessary to validate the existence of a nonconforming use:

- (1) Name of property owner, including mailing address.
- (2) Name of project.
- (3) Property description, including lot(s) number, block(s) number, and street address.
- (4) Zoning classification.
- (5) The existing use of the premises, including: basic floor plans scaled and dimensioned showing layout and number of dwelling units and/or scaled and dimensioned floor plans for commercial use showing square footage of public and non-public areas.
- (6) Show height of building(s) both in feet and number of stories.
- (7) Location survey, prepared and certified by a professional land surveyor licensed in the State of Maryland.
- (8) Show off-street parking provided for the use of the premise. Dimension all parking spaces and connecting driveways. Indicate how the parking area is paved.

- (9) Show off-street loading space with dimensions of the space.
- (10) Provide documentation verifying that the existing use of the property pre-dates Code regulations.

THE APPLICANT BEARS THE BURDEN OF PROOF – IT IS THE SOLE RESPONSIBILITY OF THE APPLICANT TO PROVIDE PROPER, ACCURATE AND REPUTABLE EVIDENCE OF WHAT EXISTED ON THE PROPERTY AS OF JULY 20, 1970.