



For Official Use Only	
ZBA Case Number:	
Hearing Date:	
Ad Date:	
Application Fee:	\$650.00
Date Paid:	

ZONING BOARD OF APPEALS SUBSTITUTION OF NONCONFORMING USE APPLICATION

The completed application form, supporting plans and other documentation in **PDF form ONLY**, as well as your **citizen portal account name** must be sent to zbadigital@cityoffrederickmd.gov on or before **3:00** PM on the application deadline date. Any files that are larger may be sent via a shared link. You will need to remove your email signature image before submitting. Please make sure all files submitted are legible. Incomplete applications will not be accepted.

*Payment of fees by credit card is preferred via our [Citizen Access Portal](#), please contact Carreanne Eyer at ceyer@cityoffrederickmd.gov for additional payment options if needed.

APPLICANT INFORMATION - OWNER'S AFFIDAVIT MUST BE SUBMITTED WITH APPLICATION.
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Contact Name:
Firm/Company:
Address:
Phone: email:

OWNER INFORMATION

Name:
Firm/Company:
Address:
Phone: email:

PROJECT INFORMATION

Project Location: (Street Address)	
Current Zoning:	Current Name/Use:
Proposed Use:	

JUSTIFICATION FOR SUBSTITUTION OF NONCONFORMING USE
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Section 308(c) states: "The Zoning Board of Appeals may authorize conditional uses only when the Board finds that the following conditions exist:
(Please respond to each condition statement in the area provided - use additional paper if necessary.)

(1) The proposed use is in harmony with the purpose and intent of the Comprehensive Plan and this Code.

(2) The characteristics of the use and its operation on the property in question and in relation to adjacent properties will not create any greater adverse impact than the operation of any permitted use not requiring conditional use approval.

(3) That the proposed activity will comply with all conditions and requirements set forth in this Code, including any specific standards established in Article 8 of this Code.

Section 905(c) of the Land Management Code states: *The Zoning Board of Appeals may approve a substitution of a nonconforming use with another nonconforming use as a conditional use provided that all of the following conditions and requirements can be met:*

1. The applicant assumes the burden of proof and shall sufficiently present facts and the Board shall determine that it is physically or economically impracticable to change the use of the lot or parcel to conforming use. Absence of this requirement shall automatically require the Zoning Board of Appeals to deny the conditional use.

2. The proposed substitution nonconforming use shall meet the off-street parking, off-street loading, and other applicable requirements of this Code that would normally be required for the establishment of a use in a district that allows the proposed use.

3. The applicant shall show that the proposed change of nonconforming use shall be less objectionable in external effects than the existing nonconforming use with respect to:

- a. Traffic generation and congestion, including truck, passenger car and pedestrian traffic;
- b. Noise, smoke, dust, gases, heat, odor, glare or vibration;
- c. Storage and waste disposal; and
- d. Appearance

4. The applicant must provide guarantees as deemed necessary by the Board to ensure that no hazardous or obnoxious effluent will be released into the air, water, or onto the ground and that all wastes and by-products will be disposed of in a safe and healthful manner.

I hereby attest that the information provided on and attached to this application is complete and correct.

Signature of Applicant/Agent

Date