

BOARD OF ADJUSTMENT INSTRUCTIONS TO APPLICANT

1. If you have made application for a building permit or certificate of occupancy and your application has been denied as being contrary to provisions of the Zoning Ordinance, **secure a completed denial form** (checklist item 12) from the Construction Official/Zoning Officer. ***NOTE: It is the responsibility of the Applicant to set forth ALL sections of the Zoning Ordinance from which relief by variance is required.*** If you are applying to the Board of Adjustment to obtain an interpretation of a Zoning Ordinance or an Appeal from the Zoning Officers' decision, you may proceed directly with an application to the Board of Adjustment.

2. Secure an application form from the Board of Adjustment Clerk. Complete the applicable portions of the form. (Checklist Item 1)

3. The following supporting documentation and exhibits must accompany the application before it will be deemed complete. An original and fifteen copies of each are required:

A. Checklist Item #2 – Survey or Site Plan. A clear and legible survey or site plan of the property, preferably a survey prepared and sealed by a professional surveyor, drawn to scale (copies must not be reduced or enlarged) must be

submitted that illustrates the nature and extent of the relief being sought which must include the following:

- (1) Lot dimension and area; tax lot and block number
- (2) Location of existing structures and any proposed new construction, additions or changes, with dimensions and **distances to all lot lines**, other structures on the lot and if possible, to structures on adjoining properties.
- (3) ***Front, side and rear yard setbacks for existing and proposed construction must be noted on the survey.*** Please be accurate in your calculation of the proposed setbacks. If the Board approves your variance request, the variance will be for exactly what was asked for and no more. If you find at a later date that you needed a greater variance than requested, you will have to appear again before the Board with a new or amended application.
- (4) Dimensions of driveways and parking areas and construction materials used.
- (5) All rights of way or easements affecting the subject property.
- (6) Although not required, it is suggested that you include on the property survey or site plan or on a separate sheet a list of the required setbacks for the zone in which the applicants' property is located and the proposed setbacks being requested. See Schedule of Area, Yard and Building Requirements of the Washington Township Ordinances, which you may find on line through the Washington Township web site – www.wtmorris.org - click on “code book”. A sample of a schedule is attached for your use.
- (7) It is also suggested that photographs of the Property and adjacent properties that may be impacted by the requested variances be submitted (either with the application, 16

copies, or as an exhibit at the time of the hearing.)

Please note that it is recommended that you submit an original sealed survey and sixteen copies of the property survey or site plan without the proposed changes and sixteen copies of the survey (does not need to be sealed) with the proposed changes and proposed setbacks.

B. Checklist Item #3 - Key Map. Please note that this information is contained in the municipal tax maps. A copy of the appropriate tax page can be obtained from the Board of Adjustment Clerk or Township Engineer, Anderson and Denzler, 519 Ridgedale Avenue, East Hanover, NJ; telephone 973-887-2270 and any adjoining municipality.

C. Checklist Item #4 – Elevations. Clear and legible plans or similar renderings prepared by the applicant, his engineer, architect or builder, showing front, side and rear elevations of existing and proposed construction.

D. Checklist Item #5 – Factual and Legal Contentions. You must set forth specifically and in detail those facts and reasons which you contend justify the requested relief under the standards set forth in the Township's Land Use Ordinances (Section 217-110 and 111-24) and under the Municipal Land Use Law (NJSA 40:555D-70)

E. Checklist Item #6 – Fees and Escrows. A fee and deposit, in accordance with the fee and deposit schedule of the Board of Adjustment as established by ordinance, payable to the Township of Washington, must accompany the application before it will be considered by the Board.

F. Checklist Item # 7 -Disclosure of Ownership - of 10% or more or interest in Corporations and/or partnerships must be submitted with the application

G. Checklist Item #8 – Payment of Property Taxes. Every application must also be accompanied by proof that no municipal taxes or assessments for local improvements are due or delinquent on the property(s) that are the subject of the application. This statement can be obtained from the municipal Tax Collector located at 43 Schooley’s Mountain Road, Long Valley; telephone 908-876-3845 (space for this statement is provided on page two of the application).

H. Checklist Item #9 – Owners Authorization. If you are other than the record owner of the subject property, the owner must sign the authorization portion of the application or submit a letter of authorization.

I. Checklist Item #10 – Subdivision, Site Plan or Conditional Use. If the application involves a subdivision, site plan or a conditional use, you must also complete the Planning Board application forms and submit the applicable fees.

J. Checklist Item #11 – Steep Slope Variance. If application is for a steep slope variance a grading plan must be submitted in accordance with Township Ordinances 175-27 and 217-38.

K. Checklist Item #12 – Construction Code Official’s Denial – Submission of the signed Original Denial Form.

L. Checklist Items #13 & #14- Washington Township Highlands Information Questionnaire. Submission of one copy of the completed and signed questionnaire and, if applicable, the NJDEP exemption, waiver or approval letter.

4. File the completed application package with the Board of Adjustment Clerk. The Clerk will review the application for completeness and will notify you by letter of any incomplete items and of the next available Board of Adjustment hearing date. An original and fifteen copies of the application and necessary attachments (Checklist items #1 thru #14) are required. All documents should be attached to the completed application form and collated and submitted in sixteen sets (checklist items 1-5 and 10-11; checklist item 8 and 9 are on the application form if separate documents are submitted in lieu of the signature on the application form, please submit only the original document; Checklist Items 7 and 12-14 require only the submission of the original document).

5. Once you have received a hearing date from the Board of Adjustment Clerk, you must publish in the official

newspaper (Observer Tribune 908-766-3900 ext 251 email: legals@recordernewspapers.com) or The Daily Record 973-428-6200 legals@dailyrecord.com) the hearing and notify property owners within 200 feet of any boundary of the applicants' property by certified mail or personal service. **YOU MUST PUBLISH AND SERVE THE REQUIRED NOTICE AT LEAST TEN (10) DAYS PRIOR TO THE SCHEDULED HEARING DATE. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL PRECLUDE THE BOARD FROM HEARING YOUR APPLICATION.**

A. Certified lists of the names and addresses of adjoining owners to whom the Applicant is required to give notice are available from the Township Tax Assessor, 43 Schooley's Mountain Road, Long Valley; telephone 908-876-9132, upon payment of a \$10.00 fee. Please allow at least five business days for preparation of the list. The Applicant shall be entitled to rely on the information contained in the list and failure to give notice to any owner not on the list shall not invalidate the proceeding.

B. A sample form for notice of hearing publication is attached for your reference. Notice and publication requirements are attached to the sample notice form and are also detailed in the Zoning Ordinance, Section 217-116.

6. Upon publication and service of notice, the Applicant must complete **and have notarized** the attached Affidavit of Service, which must be filed with the Board Clerk along with the certified list of property owners, at least 5 days prior to the scheduled hearing date with the certified mailing receipts Please note that the certified mail postal receipts (white copy) must be stamped with the date of mailing by the **Post Office**. An Affidavit of Publication will be supplied by the Newspaper and must also be filed with the Board Clerk.

7. An Applicant must appear in person or by his agent or attorney at the scheduled public hearing. Legal counsel **must** represent a Corporation or Limited Partnership applicant. A general partner having the written consent of all partners may represent a general partnership. All other applicants are **encouraged** to seek legal counsel.

8. Failure to comply with any of the above stated requirements may result in a delay in the consideration of your application. In the event a hearing cannot be commenced for any reason and it becomes necessary to assign a new hearing date, it may be necessary for the applicant to re-serve and re-publish the notice.

9. Following action by the Board, a copy of its decision will be mailed to the applicant after the reading of the Resolution of Approval. Notice of the decision will be published by the Board of Adjustment Clerk in the Official Newspaper. The period to appeal does not start to run until publication of the decision.

