

BOARD OF ADJUSTMENT
TOWNSHIP OF WHITE

APPLICATION INSTRUCTIONS

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TOWNSHIP OF WHITE

APPLICATION INSTRUCTIONS

The Board of Adjustment has specific powers set forth in the Statutes of the State of New Jersey, R.S. 40:55D-69 et seq., which are incorporated in the revised Ordinance of the Township of White and may be found on Page 7145. Essentially, the Board of Adjustment has four basic powers as set forth in detail in Section 71-23 of the Ordinance. Those powers are:

(a) To decide an appeal where an administrative officer, either the Building Inspector or Zoning Officer, is alleged to have made an error based on the enforcement of the Zoning Ordinance. Normally these situations would be where the Building Inspector declines to issue a Building Permit;

(b) To hear requests for interpretation of the map or Zoning Ordinance or upon other special questions which the Board is authorized by the Zoning Ordinance to decide. The Ordinance will set forth the special questions upon which the Board is authorized to pass. Normally under this section, the Board is called upon to interpret questions involving the interpretation of the official Zoning Map or appeals involving matters such as a denial of a Certificate of Occupancy;

(c) Bulk variances which involve front, rear or sideyard setback problems or problems involving insufficient road frontage or lot depth. The requirements for each parcel of property will, of course, depend upon the zone in which the property is located. Under this section, the request for variances from these requirements are coupled by a showing of the property's exceptional narrowness or shallowness or shape, or by exceptional topographic conditions or other extraordinary situations where the strict application of the Ordinance would result in peculiar and exceptional and undue hardship on the owner of the property;

(d) Use variances to permit or allow a structure or use in a district which does not permit such a use.

In all four instances, the applicant has the burden of proving his or her case and, in addition to proving the case under any of the aforesaid sections, the applicant must also prove that the request can be granted without substantially impairing the intent and purpose of the zone plan and Zoning Ordinance, and without any substantial detriment to the public good. The Board of Adjustment also has incidental powers to direct the issuance of a permit to allow a structure to be built in the bed of a mapped street or drainage way or public area, and also may grant relief to allow the issuance of a Building Permit for a structure not related to a street.

The Board of Adjustment has 120 days after the date an appeal was taken from either the decision of the Zoning Officer or Building Inspector for the submission of a completed application to make a decision. Failure to act within the 120 days, or within such additional time as the applicant agrees to, will constitute a favorable decision.

1. Application: Where application for relief from the Board of Adjustment is made directly to the Board an original and twelve (12) copies of the application and required plot plans must be filed with the Board Secretary and the required fee shall be paid at that time.

Fees and Escrow Deposits:

Please see enclosed schedule of fees and escrows for application submissions.

Please note: The escrow deposit figure outlined in the schedule is an initial deposit. Additional escrow deposits may be necessary depending on the application submission.

2. Forms: When the application and plot plan have been filed with the Board Secretary together with the fee, the applicant will be supplied with the necessary forms and affidavits for the notification, pursuant to State Statute, of all property owners and others required to receive notice.

3. Notice Requirements for Hearing:

Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq. the applicant shall give notice thereof as follows:

(a) Public notice shall be given by publication in the official newspaper of the municipality at least ten days prior to the date of the hearing. Proof of publication by affidavit of publisher shall be submitted with the Proof of Service. It is the applicant's responsibility to publish the Newspaper Notice.

(b) Notice shall be given to the owners of all real property as shown on the current tax duplicate located in the State and within 200 feet in all directions of the property which is the subject of such hearing; provided that this requirement shall be deemed satisfied by notice to the (1) condominium association, in the case of any unit owner whose unit has a unit above or below it, or (2) horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by: (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate.

Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to

condominium association, horizontal property regime, community trust or homeowners association, because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

A certified list of property owners may be obtained upon written consent from the Administrative Officer of White Township.

(c) Notice of all hearings on application for development involving property located within 200 feet of an adjoining municipality shall also be given by personal service or certified mail to the Clerk of such municipality.

(d) Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official County Map or on the County Master Plan, adjoining other county land or situate within 200 feet of a municipal boundary.

(e) Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.

(f) Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to N.J.S.A. 40:55D-10(B).

(g) Any notice made by certified mail as hereinabove required shall be deemed complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.

5. Proof of Compliance: FULL COMPLIANCE WITH THESE REQUIREMENTS IS NECESSARY FOR THE BOARD TO HAVE JURISDICTION TO HEAR THE APPEAL. The Applicant shall file a list of property owners served, and indicate the lot and block number of each owner served and designate the method of service on the form provided. The form shall be filled in completely, and the Affidavit of Service shall be signed, notarized, and filed with the Board Secretary at least 5 days prior to the date of the scheduled hearing. To the Affidavit of Service, shall be appended a completed form of notice, filled in as it was sent to the persons entitled to notice of the hearing. A copy of the certified list of persons to whom notice should be sent, as compiled by the appropriate administrative officer of the municipality in which the property is located, must also be attached to the Affidavit of Service. Where service has been made by certified or registered mail, the post office receipts must be postmarked at the time they are mailed, and must be attached to the Affidavit of Service.

6. Affidavit of Ownership: If the applicant does not own the property described in the application, the Affidavit of Ownership, on the form provided, must be completed and filed either with the application or with the Proof of Service.

7. Plot Plan: Applicant shall file with each copy of the application a Plot Plan or Survey scale (not less than 1 inch = 50 feet). It shall show all properties within 200 feet of property affected by this application and shall include:

- (a) North point
- (b) Lot lines, with dimensions
- (c) Lot area, in total square feet, or acreage to the nearest hundredth (e.g. 13.57)
- (d) Block and Lot numbers
- (e) Zoning district(s) within 200 feet of premises
- (f) Name of the road or roads on which the lot fronts
- (g) Easements and rights-of-way, if any
- (h) Location of streams, if any
- (i) Location of all existing buildings, if any
- (j) Location of the proposed structure or change, showing the front, rear and side yard dimensions
- (k) Building area allowed — (draw lines showing required front, rear and side yard set back
- (l) Location, arrangement and dimensions of parking areas, driveway or service areas
- (m) Names of property owners
- (n) Location of all buildings on the lot in question and within 200 feet on adjoining property
- (o) Description of the general topography of the land. (NOTE: If Plot Plan is prepared by other than Surveyor or Architect, it must be accompanied by an affidavit certifying all information shown on Plot Plan is correct).

ALL REQUIRED INFORMATION MUST BE SUBMITTED IN ORDER FOR THE APPLICATION TO BE COMPLETE. UPON REQUEST, AND FOR GOOD CAUSE SHOWN BY APPLICANT, INDIVIDUAL ITEMS MAY BE WAIVED BY THE BOARD OF ADJUSTMENT.

8. Filing Deadline: The application and Plot Plan must be filed with the Board Secretary at least fourteen (14) days prior to the hearing date.

9. Corporate Applicant: If applicant is a corporation it must be represented by an attorney admitted to practice law in the State of New Jersey.

10. Board Decision: The Board shall render its decision in accordance with N.J.S.A. 40:55D-70 and in accordance with the White Township Zoning Ordinance. If the Board takes no action within one hundred twenty (120) days from the filing date of the complete application, the Board will be deemed by law to have decided in favor of the applicant, unless applicant has consented to a continuance.

11. Related Relief: If the relief sought is a "use variance" pursuant to N.J.S.A. 40:55D-70(d), and subdivision, site plan, and/or conditional use approval is required in connection with the project, the requests for such approval shall be made, simultaneously, with the "use variance" application, to the Board of Adjustment in accordance with the Instructions of the White Township Planning Board. Said instructions may be obtained from the Planning Board Secretary. The applicant shall file, in addition to the plot plan required herein, such application form with attachments as called for in the Instructions of the Planning Board.

12. Board Meetings: Meetings of the Board of Adjustment are held on the third Thursday, of each month, at ~~the~~ prevailing time, at the Municipal Building, unless such day shall be a legal holiday, in which event the date of the meeting will be publicly announced at the previous meeting of the Board.

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NOTICE OF APPEAL/APPLICATION FOR VARIANCE

ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF WHITE

Case# _____
Hearing Date: _____
Application Fee \$ _____ Received _____
Action by the Board of Adjustment; Date(s) _____
Action by other bodies, if necessary: Date(s) _____
Date of Publication prior to meeting _____
Date of Publication of Decision _____
Other _____
Voting Members _____
DO NOT WRITE WITHIN THIS BOX

BEGIN HERE

[PLEASE READ SEPARATE INSTRUCTIONS BEFORE COMPLETING THIS FORM]

Applicant's Name _____

Applicant's Address _____ Tel. # _____

Owner's Name _____

Relationship of applicant to owner _____

Location of Premises: _____, Lot _____, Block _____
(Street) (Tax Map Ref.)

Square footage of Lot and Dimensions: _____

PART I

[FILL IN THIS SECTION ONLY IF AN APPEAL IS TAKEN FROM A DETERMINATION OF THE ZONING OFFICER OR BUILDING INSPECTOR]

NOTICE OF APPEAL

TAKE NOTICE that the undersigned, owner of premises in the Township of White designated on the Township of White Tax Map as Block _____, Lot _____, and also known and designated as _____ in said Township located in a _____ zoning district, hereby appeals to the Zoning Board of Adjustment from the order, determination, or decision of said enforcing official made on the ___ day of _____, ___, denying a building permit to [name] _____ to permit construction of _____ on premises designated above for the reason that the appellant alleges error in the order, requirement, decision or refusal of the enforcing Officer in that: [EXPLAIN]

TAKE FURTHER NOTICE that you are hereby required to immediately transmit to the Secretary of the Zoning Board of Adjustment all papers constituting the record upon which the action appealed from was taken, in accordance with the Rules of

the Zoning Board of Adjustment and the statute in such case made and provided.

Appellant

Dated:

(NOTE: A COPY OF THIS NOTICE OF APPEAL MUST BE SERVED UPON THE ADMINISTRATIVE OFFICER FROM WHOM THE APPEAL IS TAKEN WITHIN 20 DAYS OF THE DATE OF THE ACTION WHICH IS APPEALED).

PART II

[THIS SECTION TO BE FILLED IN IF APPLICATION IS MADE DIRECTLY TO THE BOARD OF ADJUSTMENT]

Request is hereby made for permission to erect, alter, convert or use, [EXISTING USE] _____

contrary to the requirements of Section _____ of the Zoning Ordinance, or for other relief; as follows:

[DESCRIPTION OF PROPOSAL] _____

PART III

[THIS SECTION IS TO BE COMPLETED BY ALL APPLICANTS]

1. The following structures located on the property in question: (State present use of land structures) _____

2. If less than the entire Tax lot as shown on the current Tax Map is to be utilized for the purpose described in this application, describe the dimensions of the portion of the lot to be utilized _____

3. These premises are located within the _____ Zone.

4. Size of proposed building: _____ feet (height)
_____ feet (width) _____ feet (depth)

5. Setbacks of building from property lines:

Front _____ ft Rear _____ ft

Side _____ ft Side _____ ft

¾ Building Coverage of lot _____

6. _____ Date _____ property
acquired _____

7. Prevailing Zoning at the time of
acquisition _____

8. Has there been any previous appeal, request, or application to this or any other Township Board or the Building Inspector involving these premises? Yes ___ No ___ If yes, state the nature, date and the disposition of said matter. _____

9. What are the EXCEPTIONAL conditions of property preventing applicant from complying with the Zoning Ordinance?

10. Supply a statement of facts showing why relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. [SEE INSTRUCTIONS, PAGE ONE]

11. Applicant certifies that real estate taxes are paid through _____, ____.

12. A legible plot plan or survey to scale (not less than 1"=50') of the property, also indicating the relation of the existing and/or proposed structure with adjoining property and structures must accompany each copy of the application. (See the "Instructions" as to information which must appear on Plot Plan.)

13. A copy of any conditional contract of purchase related to this application must be filed with the application.

14. If the applicant is a corporation or partnership, the names and addresses of all stockholders or partners owning a 10% or greater interest in said corporation or partnership, shall be set forth below if required by N.J.S.A. 40:55D-48.

15. I, [Name of Applicant] hereby certify the information presented in this application to be true and accurate. All information required by Paragraph 7 on Page Five of the Separate Instructions (Plot Plan/Details) has been set forth herein or on the Plat Plan submitted, unless a specific waiver has been requested.

[SIGNATURE OF APPLICANT]

DATED:

IF APPLICANT IS NOT OWNER OF THE PROPERTY, THE OWNER MUST SIGN A CONSENT FORM TO BE FILED WITH THIS APPLICATION.

AFFIDAVIT OF PROOF OF SERVICE

STATE OF NEW JERSEY:

COUNTY OF _____ SS:
:

_____ of full age, being duly sworn according to law, on his oath deposes and says that he resides at _____ in the Town of _____, County of _____, and State of New Jersey and that he did on _____, __, at least ten (10) days prior to hearing date, give personal notice to all property owners within 200 feet of the property affected by appeal located at _____. Said notice was given either by handing a copy to the property owner, or by sending said notice by certified mail. Copies of the registered receipts are attached hereto.

Notices were also served upon: (Where applicable *)

- () 1. The Clerk of the Township of _____.
- () 2. Warren County Planning Board.
- () 3. The Director of the Division of State and Regional Planning.
- () 4. The New Jersey Department of Transportation.

A copy of said notices are attached hereto and marked "Exhibit A".

Attached to this affidavit and marked "Exhibit B" is a list of owners of property within 200 feet of the affected

*[SEE APPLICATION INSTRUCTIONS, PARAGRAPH THREE]

property who were served, showing the lot and block numbers of each property as same appear on the municipal tax map indicating the manner of service, and also a copy of the certified list of such owners prepared by the Administrative Officer of White Township, which is marked "Exhibit C".

There is also attached a copy of the proof of publication of notice in the official newspaper of White Township which is marked "Exhibit D".

(Signature of Applicant)

Sworn and subscribed to
before me this day
of , .

TOWNSHIP OF WHITE
ZONING BOARD OF ADJUSTMENT

AFFIDAVIT OF OWNERSHIP

[THIS FORM TO BE FILLED IN COMPLETELY IF APPLICANT DOES NOT OWN
THE PROPERTY]

STATE OF NEW JERSEY:
COUNTY OF _____ SS:
_____ :

_____ of full age, being duly
sworn according to law deposes and says that I, (we) reside
at _____ in the _____ of _____
(street address) (municipality)
County of _____ and State of _____
and that I (we) are the owner in fee of the lands and premises
which are the subject of this application to the Board of
Adjustment and the property is described in that application as
Block _____, Lot _____.

Sworn to and subscribed
before me this _____ day
of _____ .

_____ (Owner)

(Notary Public)

AUTHORIZATION

(Owner must sign in this place in addition to the above Affidavit)
To the Board of Adjustment:

_____ [Name of Applicant] is hereby authorized to make
the within application.

Dated _____

_____ (Owner)

[NOTICE SERVED ON OWNERS WITHIN 200' ETC.]

TOWNSHIP OF WHITE

ZONING BOARD OF ADJUSTMENT

NOTICE OF HEARING ON APPEAL OR APPLICATION

TO: _____ OWNER OF PREMISES AT _____

BLOCK: _____ LOT: _____

PLEASE TAKE NOTICE:

That the undersigned has filed an appeal or application for development with the Board of Adjustment of the Township of White for a variance from the Requirements of the Zoning Ordinance so as to permit _____

_____ on the premises at _____
and designated as Lot _____ [Street] Block _____ on the Township Tax Map, and this notice is sent to you as an owner of property in the immediate vicinity. A public hearing has been set down for _____, _____, at _____ P.M., in the Municipal Building, _____, New Jersey, and when the case is called you may appear either in person, or by agent or attorney, and present any objections which you may have to the granting of the relief sought in the application. Maps and papers submitted with the application are on file in the office of the Municipal Clerk available for inspection during regular office hours.

This notice is sent to you by the applicant, by order of
the Board of Adjustment.

Respectfully,

Applicant

BOARD OF ADJUSTMENT
TOWNSHIP OF WHITE
WARREN COUNTY, NEW JERSEY

Please take notice:

That the undersigned has appealed to the Board of Adjustment of the Township of White for a variance from the terms of Articles and Sections of the Zoning Ordinance so as to permit _____

on the premises located on _____

Block _____ Lot _____ as shown by the Township Tax

Map. This appeal is now on the Board's calender and a public hearing has been ordered

for _____, 20__ at _____ p.m.

at the White Township Municipal Building , 555 CR 519, White Township, New Jersey,

at which time you may appear and participate either in person or by agent or attorney at

the hearing of the appeal.

This notice is being sent to you be the applicant, by order of the Zoning Board of Adjustment.

Respectfully,

(applicant)

**White Township, Warren County
Variance Checklist**

Details Required for a Variance Application

<u>Applicant</u>	<u>Township Review</u>
_____	_____ Application Form (20 completed copies).
_____	_____ Plats or Plans (20 folded copies) signed and sealed by a N.J.P.L.S. or N.J.P.E., as required, and folded into eighths with title blocks revealed or as otherwise approved by the Board Engineer.
_____	_____ Scale of not less than 1" = 100' on one of four of the following standard sheet sizes ("8 1/2 x 14"; "18 x 24", "24 x 36", "36 x 48").
_____	_____ Key map at less than 1" = 1,000'.
_____	_____ Title block.
_____	_____ Name of development, White Township and Warren County.
_____	_____ Name, title, address and telephone number of applicant.
_____	_____ Name, title, address and license number of the professional or professionals who prepared the plot or plan.
_____	_____ Name, title and address of the owner or owners of record, if different from applicant.
_____	_____ Scale (written and graphic).
_____	_____ Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.
_____	_____ Acreage figures (both with and without areas within public rights-of-way) and north arrow.
_____	_____ Approval signature lines.
_____	_____ Existing block and lot number(s) of the property that is the subject of the application.
_____	_____ The location of existing property lines (with bearings and distances), streets, structures (with their numerical dimensions and an indication as to whether existing structures will be retained or removed), parking spaces, loading areas, driveways, watercourses, railroads, bridges,

culverts, drain pipes, any natural features such as wetlands and treed areas, and any historic features both within the tract and within two hundred (200') feet of its boundary.

_____ _____
The location and width of all existing and proposed utility easements.

_____ _____
Zoning districts affecting the property, including district names and requirements, with proposed variance requests noted on the plat or plan.

_____ _____
Proposed buffer and landscaped areas.

_____ _____
Delineation of flood plains, including both floodway and flood fringe areas.

_____ _____
Contours as shown on the U.S.G.S. topographic sheets.

_____ _____
Marshes, ponds and land subject to flooding within the tract and within one hundred (100') feet thereof.

_____ _____
The names of all adjacent property owners as they appear on the most recent tax list prepared by the Township Tax Assessor.

_____ _____
Certificate from the Township Tax Collector that all taxes and assessments are paid to date.

_____ _____
Statement as to whether subject property is located in Highlands Planning or Preservation area, and if located in the Preservation Area whether the application meets any of the conditions for exemption.

_____ _____
Any variance applications to the Zoning Board of Adjustment not involving a site plan or subdivision application shall not require an Environmental Impact Statement unless specifically requested by the Board. The Zoning Board of Adjustment shall inform the applicant regarding any information that may be required.

_____ _____
Letter of denial (or disapproved zoning application) from the Township Zoning Officer identifying any sections of the White Township Zoning Ordinance from which the applicant is seeking relief.

Signature and Title of person who prepared checklist

Date

- [4] Lot line adjustment: \$150; review fee: \$800.
- (b) Major subdivision:
 - [1] Preliminary plat: \$100, plus \$150 for each lot in the proposed subdivision; review fee: \$300 per lot.
 - [2] Final plat: \$100, plus \$100 for each lot in the proposed subdivision; review fee: \$150 per lot.
- (c) Site plan:
 - [1] Change of use: \$150; review fee: \$200.
 - [2] Minor site plan: \$250; review fee: \$800.
 - [3] Major (preliminary) site plan: \$350; review fee: \$7,000 up to 10 acres; \$100 per acre over 10 acres.
 - [4] Major (final) site plan: \$250; review fee: \$800.
- (d) Zone change (fees include Master Plan amendment): \$500; review fee: \$2,500.
- (e) Conceptual plan: \$200; review fee: \$400.
- (f) General development plan: \$800; review fee: \$100 per acre.
- (g) Special meetings: \$500; review fee: N/A.
- (h) Board of Adjustment fees shall be charged on a per meeting basis as follows:
 - [1] Conditional use (N.J.S.A. 40:55D-67): \$100.

- [2] Appeal (N.J.S.A. 40:55D-70a): \$200; review fee: \$500. **[Amended 6-5-2003 by Ord. No. 2003-15]**
- [3] Interpretation (N.J.S.A. 40:55D-70b): \$200; review fee: \$500. **[Amended 6-5-2003 by Ord. No. 2003-15]**
- [4] Variance (N.J.S.A. 40:55D-70c): \$200; review fee: \$500. **[Amended 6-5-2003 by Ord. No. 2003-15]**
- [5] Use variance (N.J.S.A. 40:55D-70d): \$200; review fee: \$1,500. **[Amended 6-5-2003 by Ord. No. 2003-15]**
- [6] Building permit appeal (N.J.S.A. 40:55D-36): \$100.
- [7] Appeal to governing body (N.J.S.A. 40:55D-17): \$100.
- [8] Application to Board of Adjustment for certification of preexisting use of structure pursuant to N.J.S.A. 40:55D-68 and White Township Code § 71-78B: \$75.
 - (i) Exempt development in the I-Industrial District in accordance with § 71-64A: \$150.
 - (j) Grading plan review. **[Added 8-5-2004 by Ord. No. 2004-14]**
 - [1] Application fee: \$150.
 - [2] Review and inspection fee: \$600.
- (2) Review deposit. Filing fees are not intended to cover the costs of the technical or legal reviews of plans and specifications by experts, such as the Township Engineer, the Township Planning Consultant, the Township...