



## INSTRUCTIONS AND CHECKLIST FOR COMPLETING VARIANCE APPLICATION

### I. IMPORTANT NOTICE

The application procedures described below are intended to make the application process as simple as possible while simultaneously providing the Board with sufficient information to enable it to reach an informed decision as quickly as possible. It is, therefore, important that the applicant carefully and fully comply with these instructions. Failure to do so will delay action on the application until all requirements listed below are met. The Board cannot act on incomplete applications.

### II. TYPES OF VARIANCES

Variance from the Borough Zoning Ordinance may be obtained under law for two principle reasons:

1. Yard or setback requirements (C Variance)
2. Use of property including building size (D Variance)

The Board of Adjustment may grant either C or D variances except when site plan or subdivision approval is also required. In these cases the request for a C variance must be submitted to the Planning Board.

A C variance may be granted because of: the shape of the lot; topography or easements prevent normal setbacks; extraordinary or exceptional situations unequally affecting the specific piece of property; or when the benefit of the deviation from the Zoning Ordinance will substantially outweigh strict application of the law.

A D variance may be granted for special reasons when such variance will not create a substantial detriment to the public good nor substantially impair the intent and the purpose of the Zoning plan and ordinance.

### III. WHERE TO BEGIN

You may apply to the Zoning Officer for a zoning (building) permit and obtain from him/her a form stating the reasons for the denial of the permit. This step is not mandatory but may be helpful in determining the sections of the Zoning Ordinance from which variance relief will be required. If you do not request the Zoning Officer to specify the sections of the Zoning Ordinance with which your application does not comply, it is your responsibility to specify all relief needed from any section of the Zoning Ordinance. Should any unspecified violation be found prior to or during the course of a hearing on the application, no such relief can be granted and the application cannot be permitted to proceed without re-advertising and re-service of notices. If the failure is not discovered by the Board until it commences its deliberations after closing the public hearing, the result may be a denial of the entire application or the grant, or recommendation that the variance be granted, limited to the specific relief requested, which will result in a reapplication to obtain the remaining relief required.

#### IV. INFORMATION TO BE SUBMITTED

An application for a zoning variance and/or direction of the issuance of a permit shall not be considered complete until all material and information specified on the variance application checklist has been submitted unless, upon receipt of a written request from the applicant, a specific requirement is waived by the Board to which the appeal is made. The request for a waiver shall accompany the application and shall be granted or denied within forty-five days of receipt of said request.

The following information relates to the numbered items on the checklist:

7. List of persons notified of variance application and certification.

Upon application to the Borough Assessor and the payment of a \$10.00 fee, the Assessor will provide and certify a list of the adjoining property owners. The applicant may develop his own list of adjoining property owners in which case the applicant must submit a notarized affidavit that the list includes all property owners within two hundred feet of the subject property. The list must include property owners in other municipalities if within two hundred feet.

Notice must be given to the adjoining municipality if the property is within two hundred feet of the Borough boundary.

Notice must be given to the Union County Planning Board if the property is adjacent to an existing or proposed county road, adjoins county land or is situated within two hundred feet of the Borough boundary.

8. Copy of notice of variance application and notarized proof of service.

Notice shall be given to adjoining property owners, adjoining municipalities and the Union County Planning Board by personal service or by certified mail, and shall be addressed to the Municipal Clerk of adjoining municipalities, when required.

A notice of the public hearing on the application must be advertised in the legal newspaper of the Borough.

Notice must be given at least ten days before the public hearing on the application. A copy of the notice given to adjoining property owners and the newspaper advertisement and a notarized proof of service affidavit must be submitted with the application.

9. Tax payment certification

A certification by the Borough Tax Collector that taxes are fully paid to date must be submitted.

#### V. ADDITIONAL APPLICATIONS

**SUBDIVISION:**

If you require subdivision approval in addition to the grant of a variance, you may apply for subdivision and variance approval at the same time. You must fill out and file the

subdivision application according to the instructions for completing subdivision applications. Instructions and forms are available from the Borough Clerk.

**SUBDIVISION APPLICATION TO FOLLOW:**

If you choose to submit your subdivision application at a later date, check the appropriate box in Section 4 of the application. You must file the subdivision application with the same board to which you submit the variance application, as it will retain jurisdiction over later matters concerning the grant of a variance as to your property.

**SITE PLAN:**

If you require site plan approval in addition to the grant of a variance, you can apply for site plan and variance approval at the same time. You must fill out and file the site plan application according to the instructions for completing site plan applications. Instructions and forms are available from the Borough Clerk.

**SITE PLAN APPLICATION TO FOLLOW:** If you choose to submit your Site Plan Application at a later date, check the appropriate box in Section 4 of the application. You must file the site plan application to the same board to which you submit the variance application, as it will retain jurisdiction over later matters concerning the grant of a variance as to your property.

**CONDITIONAL USE:** If you require approval of a conditional use as defined in the zoning ordinance in addition to the grant of a variance, an application must be made coincident with the site plan application, if required. Instructions for filling out the conditional use application along with the application forms are available from the Borough Clerk.

## VARIANCE APPLICATION CHECKLIST

Name\_\_\_\_\_ Block No.\_\_\_\_\_ Lot No.\_\_\_\_\_

In order for your application to be considered and a public hearing held, the following items must be submitted. All items must be submitted to the Board Secretary at least ten days before the date of the public hearing. Indicate by a check that the item is provided, by "NA" that the item does not apply and by a "W" that a waiver request is being submitted.

- ( ) 1. Variance Application Form - 20 copies
- ( ) 2. Variance Application Checklist - 20 copies
- ( ) 3. Denial from Zoning Officer, if requested, - 20 copies
- ( ) 4. Location Map – 20 copies (6 full size and 14 half size-not to scale)  
To be at a scale of not more than one inch equals one hundred feet showing the location of the property, all streets and property lines within two hundred feet of the affected property, and all buildings or structures within two hundred feet of the building or structure proposed by the applicant.
- ( ) 5. Plot Plan – 20 copies (6 full size and 14 half size-not to scale)  
To be at a scale of not more than one inch equals thirty feet showing all lot line dimensions; all existing structures and proposed additions or changes, with dimensions; and all front, side and rear yard dimensions.
- ( ) 6. Architectural plan – 20 copies (6 full size and 14 half size-not to scale)  
Provide an architectural drawing or sketch showing a design view of the existing front, side and rear elevations and proposed additions or changes, with dimensions.
- ( ) 7. List of persons notified of variance application and certification.
- ( ) 8. Copy of notice of variance application and notarized proof of service.
- ( ) 9. Tax payment certification.

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\_\_\_\_\_  
Applicant

**VARIANCE APPLICATION**  
And/or Direction of the Issuance of a Permit

Board of Adjustment – Planning Board  
Borough of New Providence

**FOR OFFICIAL USE ONLY**

Date Application Filed:	_____	Application #	_____
Fee Amount Paid:	_____	Date Paid:	_____
Date Application Completed	_____	Notice Sent:	_____
Block No.	_____	Lot No.(s)	_____
Time Period Expires:	_____		

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**SECTION 1. INFORMATION REGARDING THE APPLICANT**

- a) Full legal name \_\_\_\_\_
- b) Mailing address \_\_\_\_\_  
\_\_\_\_\_
- c) Contact information: \_\_\_\_\_  
telephone number \_\_\_\_\_ e-mail address \_\_\_\_\_
- d) The applicant is (check one): INDIVIDUAL (S)  CORPORATION   
PARTNERSHIP  OTHER (specify) \_\_\_\_\_

If the Applicant is a corporation or a partnership, information specified in Article 8D of the Land Use Procedures Ordinance must be included as a rider to this application. All corporate applicants must be represented by an attorney.

- e) The relationship of the applicant to the property in question is (check one):  
OWNER  TENANT or LESSEE  PURCHASER UNDER CONTRACT   
OTHER (specify) \_\_\_\_\_

If the applicant is not the owner of the property in question, the Applicant must submit a copy of this application signed by the owner in the space provided in Section 7.

**SECTION 2. INFORMATION REGARDING THE PROPERTY**

- a) The street address is \_\_\_\_\_
- b) The property is approximately \_\_\_\_\_ feet from the intersection of  
\_\_\_\_\_ and \_\_\_\_\_
- c) The property is Block No. (s) \_\_\_\_\_ Lot No. (s) \_\_\_\_\_ on the Tax Map and is

located in the \_\_\_\_\_ Zone(s).

### **SECTION 3. INFORMATION ABOUT REQUESTED RELIEF**

a) Proposal: With respect to said property, Applicant desires a variance or relief from the requirements of the Zoning Ordinance to permit the use of the property in the following manner (include all physical improvements such as structures, additions, landscaping, etc.):

b) Relief Requested: The proposed use, building(s) or subdivision is/are contrary to (list the specific articles, sections and criteria, i.e. front yard setback, of the Zoning Ordinance from which a variance is sought, the requirement as set forth in the Zoning Ordinance and the proposed requirement):

Art/Sec \_\_\_\_\_ Criteria \_\_\_\_\_ Required \_\_\_\_\_ Proposed \_\_\_\_\_

Art/Sec	Criteria	Required	Proposed
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Art/Sec Criteria Required Proposed

Art/Sec	Criteria	Required	Proposed
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c) Reasons for Relief: The specific facts, which show that the relief sought can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance.

d) Previous Requests: Relief from the provisions of the zoning ordinance in connection with this property has been previously requested \_\_\_\_\_ (yes or no). If yes, attach a copy of the Board decision.

#### **SECTION 4. NATURE OF APPLICATION** (Check all appropriate items.)

- Interpretation of zoning ordinance or map
- Appeal of action of Zoning Officer (attach copy of certificate)
- C Variance
- D Variance
- Subdivision
- Subdivision application to follow
- Site Plan
- Site Plan application to follow
- Conditional Use
- Waiver of lot to abut street requirement
- Exception to the Official Zoning Map

#### **SECTION 5. PROPERTY DETAILS**

The property is more particularly described as follows:

- a) Area of Plot: \_\_\_\_\_ square feet. Area covered by existing structures that will remain: \_\_\_\_\_ square feet. Area of proposed structures: \_\_\_\_\_ square feet. Total area of plot to be occupied by structures: \_\_\_\_\_ square feet. Percentage of plot to be occupied by structures: \_\_\_\_\_.
- b) Total floor area: \_\_\_\_\_ square feet.  
Floor area ratio (total floor area divided by area of plot): \_\_\_\_\_.
- c) Setbacks: 

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Front	_____	_____	_____
One side	_____	_____	_____
Other side	_____	_____	_____
Both sides	_____	_____	_____
Rear	_____	_____	_____

  
(If corner lot, circle setbacks from side street.)
- d) Height of existing structure to top of roof \_\_\_\_\_ feet.  
Height of proposed structure \_\_\_\_\_ feet.  
Height of \_\_\_\_\_ (state cupola, chimney, etc.) \_\_\_\_\_ feet.
- e) Average setback from street(s) of buildings within 200 feet (required if setback variance is requested) \_\_\_\_\_.
- f) Other pertinent characteristics of property \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **SECTION 6. OTHER INFORMATION**

a) Attorney: \_\_\_\_\_ Phone No. \_\_\_\_\_

Address \_\_\_\_\_

E-mail address: \_\_\_\_\_

b) Use: Of existing building(s) and premises, and if not owner-occupied, name of Lessee  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Proposed use of building(s) and premises, and if not owner-occupied, name of Lessee  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

c) Adjoining Property: Block and Lot number(s) of any adjoining property currently owned or under contract to purchase by either applicant or current owner \_\_\_\_\_

## SECTION 7. VERIFICATION AND AUTHORIZATION

a) Applicant: I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

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**Applicant's Signature**

b) Owner (if owner is not Applicant): \_\_\_\_\_ hereby certify that I reside at \_\_\_\_\_ in the County of \_\_\_\_\_ and the State of \_\_\_\_\_; and I am the owner of that certain lot, piece or parcel of land known as Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ on the Tax Map of the Borough of New Providence, which property is the subject of the above application, and that said application is hereby authorized by me.

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**Owner's Signature**

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Date

**FOR OFFICIAL USE ONLY**

This application was approved on \_\_\_\_\_ . A resolution setting forth the specifics of the approval and conditions, if any, was mailed on \_\_\_\_\_ .

This application was denied on \_\_\_\_\_ . A resolution of denial was mailed on \_\_\_\_\_ .

### Secretary of the Board