

Township of Washington Bergen County, New Jersey Zoning Board of Adjustment

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Instructions for Filing Application of Appeal

The Zoning Board of Adjustment is the Board before which appeals may be taken from the ruling of the Zoning Officer.

In order to file an appeal, the following steps must be taken:

1. A letter of denial from the Zoning officer plus the engineering report from Michael L. Ritchie are the first papers needed to apply for a variance.
2. The Zoning Board Secretary will furnish you copies of the following forms during her normal business hours (8:30AM-12:30PM, Monday-Thursday.)
 - a. Copy of Petition of Appeal (be sure to explain in detail the nature of the variance being requested). (FORM A)
 - b. Application for Variance (FORM B)
 - c. Affidavit of Ownership (File together with proof of ownership and copy of deed to the property or contract or agreement) and homeowner's deed or contractor agreement. The Affidavit of Applicant/Affidavit of Ownership must be notarized. (FORM C)
 - d. Suggested form letter to be sent to property owners. (FORM D)
 - e. Affidavit of Notification & Affidavit of Service (which must be notarized). (FORM E)
 - f. Suggested form for newspaper article (FORM F)
 - g. Authorization of owner (if required). (FORM G)
3. All applicants must submit a copy of the survey submitted to the Zoning Officer and engineer with all additions marked.
4. All property owners who reside within 200 feet of any point of the property in question must be served with a notice at least ten (10) days (preferably 20 days) before the date of the hearing. The list of property owners can be obtained from the Tax Assessor's Office (located at Town Hall on Mondays between 8:30 a.m. – 10:45 a. m.) for a fee of \$10.00 and that **list must be part of the complete application**. If the applicant's property is within 200 feet of a County Road, notice must be sent to the Bergen County Planning Board (Hackensack, New Jersey) by certified mail/return receipt requested at least ten (10) days (preferably 20 days) prior to the hearing. Also, if the applicant's property is within 200 feet of an adjoining municipality, notice must be sent to that municipality (Clerk's Office). If the home is part of the Lake Association, a notice should be sent to the Lake Association. List the names and addresses of all property owners notified on the Affidavit of Notification. Also, designate the date of service and the manner in which they were served.

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5. Property owners must be served personally or by certified mail/return receipt requested. Certified mail receipts (white slips) **MUST** be submitted to the Secretary when the application is presented to her. The return receipt slips (green cards) **MUST** be given to the Secretary at the beginning of the hearing. If delivering in person, the property owner **MUST** initial the Affidavit of Notification against his/her name.

6. The applicant must obtain verifications from the Tax Collector that real estate taxes on the property in question are paid and current. (Tax Collector's Office is located at Town Hall.) Office hours are 8:30am – 12:30pm and 1:30pm – 4:30pm. The telephone number is 201-666-8797.

7. Applicant must publish notice of appeal in one of the local newspapers (The Ridgewood News, or The Record) at least ten (10) days preferably 20 days prior to the hearing. The fax numbers are as follows:
Notices may also be emailed to the newspaper. The email address is:
PublicNotices@NorthJersey.com – (same for both newspapers.) Specify which publication you would like to publish in.
Notarized proof supplied by the newspaper is part of the application and must be presented before the start of the hearing. A copy of the actual newspaper article must be presented to the Secretary before the hearing.

8. Fees are as follows: (Payable to the Township of Washington when application is submitted to the Secretary.)

A. VARIANCES:

- | | |
|--|----------|
| 1. Any application containing a bulk (simple) variance | \$100.00 |
| 2. Claim of error or interpretation of Zoning Officer Decision | \$100.00 |
| 3. Any application containing a use variance | \$200.00 |

MINOR OR MAJOR SITE PLAN OR MINOR OR MAJOR SUBDIVISION
WITH A USE VARIANCE (Contact Secretary for Fees)

B. Deposits for Engineering Fees or Additional Attorney Fees may be required by the Board.

9. All forms, required information and fees for variance must be returned to the Secretary at least ten (10) days but 20 days preferred prior to the meeting.

10. A. **SIMPLE VARIANCE OPTION:** If the application involves nothing more than the erection of a fence or shed on the property of a single family residence or the construction of a swimming pool/accessory to a single family

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residence, then the applicant may submit a drawing on the plot plan of the property showing clearly what is proposed with dimensions and its relationship to existing structures and property lines.

If the application involves the construction of an addition to or an alteration of a single family residence then the applicant should submit a drawing on the plot plan as set forth above plus 13 sets of drawings showing the addition (exactly as it will be built) with all pertinent information, such as height, overhangs (front, sides, rear), type of siding, projections into rear, side or front yards (air conditioning units, heating units, fire place chimney, porches, decks, stoops), etc.

B. SITE PLAN OR SUBDIVISION WITH A USE VARIANCE – applicant must submit thirteen (13) copies each of the following:

- a.** Complete set of architectural plans of any proposed building alterations or addition.
- b.** 200 foot radius map showing size of plot, bounding streets and all properties within 200 feet of each boundary with block and lot numbers and names of owners.
- c.** All plans must be sealed by a licensed architect or engineer.

11. Any applicant may appear in person or may be represented by an authorized agent or attorney before the Zoning Board of Adjustment when your appeal is scheduled to be heard, except if applicant is a corporation, then applicant must be represented by an attorney.
12. If applicant is a Corporation, it must provide a certificate listing names and addresses of all stockholders that own 10% or more of the Corporation stock of any class.
13. The Zoning Board meets in the Municipal Courtroom on the third Tuesday of each month at 8:00 pm, unless otherwise noted by the Secretary due to holidays or vacations.
14. It is the responsibility of the applicant to specify in this application all requests for relief, variances from any section of the zoning ordinance he may need and to complete all required forms comprising the application. Should any unspecified violation of a substantial nature be found prior to or during the course of a public meeting, no such relief can be granted and the case cannot be permitted to proceed without re-advertising and re-serving the notice. If the failure is not discovered by the Board until it commences its

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deliberation after closing the public hearing, the results may be a denial of the entire application, or the granting or recommendation that the variance be granted limited to the specific relief requested, which will result in the necessity for a re-application to obtain the remaining relief requested. Only the Secretary of the Zoning Board can determine if the application is complete.

15. No new cases will be heard past 11:00 p.m., except if decided by the Zoning Board of Adjustment
16. Cases are set up on the agenda for the Zoning Board of Adjustment on a first-come, first-serve basis.

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PETITION OF APPEAL

Form A

Date - _____

Dear Members of the Zoning Board of Adjustment:

The undersigned, owner of property in the Township of Washington, Bergen
County, New Jersey, known as Block # _____, Lot # _____ and located at

_____ has been refused permission by the Zoning Officer and /or the Township Engineer to

The local Zoning Officer and/or the Township Engineer claim that such permission would conflict with Section _____ of the Township of Washington Zoning Ordinance.

I hereby appeal the decision of the local Zoning Officer and/or the Township Engineer.

Respectfully,

(name)

(address)

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APPLICATION FOR VARIANCE

Form B, Page 1

Date Received _____

Date of Hearing _____

Action _____

To The Members of the Zoning Board of Adjustment:

In the matter of the petition of _____
requesting relief from the strict application of the provisions of the Zoning Ordinance of
the Township of Washington,

1. Address _____

Block _____ Lot _____ Zone _____

Current Use _____

Applicant is the (circle one)

owner occupant contract occupant/purchaser

Applicant is (circle one)

An individual a corporation a partnership

Disclosure Statement:

Pursuant to N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. Any corporation or a partnership which owns more than 10% interest in an applicant corporation or partnership also must disclose the names and addresses of the stockholder and partners exceeding 10% ownership.

Name	Address	Percentage of Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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APPLICATION FOR VARIANCE

Form B, Page 2

Name of Owner _____

Address _____

Tel. Number _____ Alt Number _____

Name of Applicant (if not the owner) _____

Address _____

Tel. Number _____ Alt Number _____

2. Indicate the particular section of the Land Use Law (N.J.S.A. 40:55D-70) under which this application is made:

_____ N.J.S.A. 40:55D-70a – Appeal Decision of Administrative Officer

_____ N.J.S.A. 40:55D-70b – Interpret Map Ordinance or Special Question

_____ N.J.S.A. 40:55D-70c(1) – Seek Variance for Hardship

_____ N.J.S.A. 40:55D-70c(2) – Seek Variance Advance Purposes of Land Use Law

_____ N.J.S.A. 40:55D-70d(1) – Permit a Use

_____ N.J.S.A. 40:55D-70d(2) – Expand a Nonconforming Use

_____ N.J.S.A. 40:55D-70d(3) – Deviate from a Condition in a Permitted Use

_____ N.J.S.A. 40:55D-70d(4) – Increase in Permitted Floor Area Ratio

_____ N.J.S.A. 40:55D-70d(5) – Increase in Permitted Density

_____ N.J.S.A. 40:55D-70d(6) – Height of a Principal Structure Exceeds by 10 feet or 10% Maximum Height Permitted

_____ N.J.S.A. 40:55D-34 – Issuance of a Permit for Structure in a Bed of a Mapped Street

_____ N.J.S.A. 40:55D-35 – Direct Issuance of a Permit for a Lot Lacking Street Frontage

Present use of the property: _____

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APPLICATION FOR VARIANCE

Form B, Page 3

Explain in detail the exact nature of the application and changes to be made to the property, including the proposed use of the property.

If the application is under N.J.S.A. 40:55D-70c(1) what are the exceptional difficulties or undue hardship relating to the property upon which a variance is requested?

If the application is under N.J.S.A. 40:55D-70c(2) what are the purposes of the Municipal Land Use Law that would be advanced by granting the variance?

If the application is under N.J.S.A. 40:55D-70d(1) through (6), explain in detail the special reasons for which the variance is being requested?

If this is an application under N.J.S.A. 40:55D-70d and the applicant is also requesting a site plan or subdivision, then the applicant must complete and submit an application from the Township Planning Board for the site plan or subdivision together with the required plans, in accordance with the Township ordinances for site plan and subdivisions.

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3. Please fill out the following information concerning the property:

Item	Permitted	Section #	Existing	Proposed
Zone Use				
Minimum Lot Size (sq. ft.)				
Minimum Width of Lot				
Maximum Coverage				
Minimum Front Yard Set Back				
Minimum Side Yard (left)				
Minimum Side Yard (right)				
Minimum Rear Yard				
Maximum Height of Building				
Parking (If Applicable)				
Maximum Size (free standing sign)				
Maximum Height (free standing sign)				
Maximum Area (Wall Sign)				
Accessory (Circle Applicable) Pool Shed Cabana Fence				
Other				

4. To the best of your knowledge, has any request for a variance been granted or denied for these premises? _____

If yes, please attach a copy of the resolution.

5. Set forth the facts showing why the variance relief can be granted without substantial detriment to the public good and why granting the variance will not substantially impair the intent and purpose of the zoning plan and zoning ordinance.

6. Has the Zoning Officer examined the plans for the proposed building and refused permission? _____

If yes, attach a copy of the letter of denial.

7. SITE PLAN OR DUBDIVISION WITH A USE VARIANCE. The applicant must submit fifteen (15) copies of each of the following:

- a. Complete set of plans of any proposed building alteration
- b. 200 foot radius map showing size of plot, bounding streets and all properties within 200 feet of each boundary with block and lot numbers and names of owners.
- c. Architectural plans or equivalent
- d. All plans must be sealed by a licensed architect or engineer.

I hereby certify that the above statements made by me and the statements contained in the papers submitted herewith are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Petitioner

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AFFIDAVIT OF APPLICANT

Form C

STATE OF NEW JERSEY)
 ; SS.
COUNTY OF BERGEN)

_____ of full age, being duly sworn according to law, on oath deposes and says that all of the above statements and the statements contained in the papers submitted herewith are true.

Sworn to and subscribed before me this _____ day of _____, 20 __

Owner/Applicant

Notary Public

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY)
 ; SS.
COUNTY OF BERGEN)

_____ of full age, being duly sworn according to law, on oath deposes and says, that the deponent resides at

_____ in the Township of Washington, in the County of Bergen and the State of New Jersey, that

_____ is the owner of fee of all that certain lot, piece or parcel of land situated, lying and being in the municipality aforesaid, and known and designated as number _____.

Sworn to and subscribed before me this _____ day of _____, 20 __

Owner/Applicant

Notary Public

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AFFIDAVIT OF SERVICE

FORM E, PART 2

State of New Jersey

County of Bergen

_____ of full age, being duly sworn according to law,

on his/her oath deposes and says that he/she resides at _____

In the _____ of _____, County of _____,

and the State of New Jersey and that he/she did on _____, 20__, at least ten (10) days prior to hearing date, give personal notice to all property owners within two

hundred (200) feet of the property affected, located at _____

Block # _____ Lot # _____.

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.

Notice was also served upon the Secretary to the Zoning Board of Adjustment for the Township of Washington.

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

Notice was also published in either the Ridgewood News or the Bergen Record as required by law.

Attached to this affidavit and marked "Exhibit B" is a list of property owners within two hundred (200) feet of the aforesaid property who were served, showing the lot and block numbers of each property owner as same appear on the municipal tax map, and also a copy of the certified list of such owners prepared by the Tax Assessor of the Township of Washington, which is marked as "Exhibit C."

There is also attached a copy of the proof of publication of notice in either The Ridgewood News or The Bergen Record, which is marked "Exhibit D."

Owner/Applicant

Sworn to and subscribed to before me on this _____ day of _____, 2009

Notary Public

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AUTHORIZATION OF OWNER

FORM G

(If anyone other than the owner of the property is making this application, the following authorization must be executed.)

TO THE MEMBERS OF THE ZONING BOARD OF ADJUSTMENT:

_____ is hereby authorized to make
the within application.

(Owner)

(Date)

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**THIS NOTICE CAN BE USED FOR THE NEWSPAPER AND CAN BE SERVED ON
PROPERTY OWNERS WITHIN 200 FEET**

**TOWNSHIP OF WASHINGTON, BERGEN COUNTY
ZONING BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING**

Pursuant to the provisions of the Municipal Code of the Township of Washington and the provisions of N.J.S.A. 40:55D-12, notice is hereby given that **(name of applicants)**, owners of the property commonly known as **(address of property)**, also known as Lot **(insert Lot #)** in Block **(insert Block #)** on the tax assessment map of the Township of Washington, have filed an application with the Zoning Board of Adjustment of the Township of Washington seeking a variance from the provisions of Section **(insert code sections from which relief is sought)** of the Zoning Ordinance of the Township of Washington which regulate **(subject matter of code sections from which relief is sought)** in the **(insert zone in which property is located)** Zone. The applicants wish to **(insert general description of project and nature and extent of variance relief requested)**.

A copy of the application and related documents are on file in the Office of the Secretary to the Board, Township of Washington Municipal Building, 350 Hudson Avenue, Township of Washington, New Jersey, 07676, and may be inspected by members of the public, Monday through Thursday, 8:30AM-12:30PM.

A public hearing with respect to this application has been scheduled for Tuesday, **(insert date of public hearing)**, at 8:00PM, at the Township of Washington Municipal Building, Courtroom, 350 Hudson Avenue, Township of Washington, NJ, 07676, or as soon thereafter as the matter can be heard. All interested parties are invited to appear and be heard at that time.

THIS PARAGRAPH FOR TO BE USED FOR 200' LIST NOTICE:

This notice is being sent to you as the owner of the property within 200 feet of the property which is the subject of this application or as a person or entity otherwise entitled to this notice.

(Insert name of applicants)
(Insert address of applicants)

For Information Only:

1. The subject property fronts on the (North, South, East, West) side of _____.
(street name).
2. The dimensions of the subject property are _____ feet in width by _____ feet in depth.
3. Subject premises are located between _____ and _____
(street name)

(street name)