

TOWNSHIP OF LIVINGSTON

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PROCEDURAL GUIDE FOR RESIDENTIAL VARIANCE APPLICATIONS

STEP ONE – FILING YOUR APPLICATION

After preparing the plans and completing the application forms, we recommend that you arrange to come in and have one copy reviewed before you make the required copies. Once your application is deemed complete, you may make the required copies of the plans and the application forms, and submit your application. (*The cover sheet of the application tells you the number of copies and all other items needed for submission.*) Use the checklist to make sure you have all the required information before coming to the office.

After you have made all the copies, file the application with the Planning Department at the Town Hall. It will be reviewed to ensure completeness and clarity. When your application is Deemed Complete, you will receive a letter assigning an application number, setting the hearing date, and giving you forms and instructions for publishing notice of your hearing in the newspaper and recording and notifying your neighbors.

STEP TWO – PROVIDING PUBLIC NOTICE OF THE HEARING

State law and local ordinance require that public notice of a hearing be given by publishing a notice of the hearing in a newspaper of record at least ten (10) days before the hearing, and also by delivering notice to all property owners within 200' of your property at least ten (10) days before the hearing.

Samples of two form notices are included in the guide, along with a sample Affidavit of Service of Notice. Complete Notice of hearing form (See sample) and arrange for its publication in the local paper either West Essex Tribune or the Star-Ledger of Newark. Remember that the advertisement must appear in the newspaper at least ten (10) days prior to the scheduled hearing date.

When you have received your certified list of property owners from the Planning Department, count the number of names that appear. After you complete the Notice to Property Owners within 200' (See sample), make one copy for each name on the list, plus at least two extra and decide how to deliver the notices. You have two options; Direct Service, which is accomplished by personally handing each property owner a notice, or Service of Certified Mail to the property owners at the address shown on the list.

Direct service is generally the easiest (and less costly) method for serving neighbors, while certified mail is convenient for serving out-of-town property owners, and County Planning Board, or a neighbor that is hard to reach personally.

When you have served all property owners within 200', complete the Affidavit of Service of Notice and have it notarized (See sample). You will receive an Affidavit of Publication from the Newspaper after your notice is published. Bring the Affidavit of Service Notice, the Affidavit of Publication, one of the extra copies of the Notified Property Owners within 200', and the white receipts from any certified mailings to the Planning Department at least ten (10) days before the meeting. Once you've submitted proof of service information, you've finished until the night of the hearing.

STEP THREE – THE HEARING

See document titled "The Planning and Zoning Board Hearing Process"

The Declaration of Applicable Subsection form tells you on what grounds a variance may be granted; it's up to you to apply those grounds to your case.

STEP 4 – POST – HEARING PROCEDURES

State Law requires that a notice of the decision be published in a newspaper of record. The Planning Department arranges this.

If your variance is granted, you may submit the application for a Building permit the next day. The application and plans will be reviewed, for building code compliance, but no permit can be issued until your Resolution of Approval is adopted. Your variance is good for one (1) year from the date of the date of the resolution.

MISCELLANEOUS

1. The Zoning Board of Adjustment is established according to the provisions of the Municipal Land Use Law and the Land Use Ordinance of the Township. Its procedures are outlined in the Rules of Procedure adopted by the Board. All documents are available for your inspection and use.
2. This Guide is intended primarily to assist residential homeowners in completing a variance application. Some applications are often prepared and presented by an attorney.
3. Don't forget – we are here to assist you. Please contact The Planning Department at (973) 535-7954 if you have any questions.