



357 South Livingston Avenue • Livingston, New Jersey 07039
Office 973-535-7954 • Fax 973-992-1016

PLANNING DEPARTMENT

APPLICATION TO VARY OR MODIFY THE PROVISIONS OF THE ZONING ORDINANCE

To be completed and returned to the Planning Department (statutory review time of 45 days):

- 1 Two (2) copies with original signatures of the completed *Application to Vary or Modify the Provisions of the Zoning Ordinance* and *Declaration of Applicable Subsection*.
- 2 Two (2) copies of current **original** survey and two (2) copies with the proposed buildings and structure drawn to scale with all dimensions for the proposed changes and all set backs from all property lines (front, rear and side yard set backs).
- 3 Two (2) sets of building plans, either bearing the seal of a licensed New Jersey Architect, (plans must be folded so they fit in envelope for mailing) or certified as having been prepared by the homeowner for his/her own use and occupancy. All floor plan and elevation drawings should include detailed dimensions.
- 4 Complete *Application for Development*, which will provide certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.
- 5 Complete *Request for Certified List of Property Owners*, in order to obtain list of all property owners within 200 feet of the property. (\$10.00 fee – please make checks payable to the Township of Livingston.)

Once item numbers 1-5 above have been submitted to the Planning Department and the application has been deemed complete, the applicant will be notified by phone and scheduled for the next available hearing date. The applicant will also be scheduled for a meeting with Jackie Coombs-Hollis, Planning Administrator to review the application as well as item numbers 6-10 (listed below) that must be returned to the Planning office TEN (10) DAYS prior to the hearing date.

- 6 After the application is deemed complete and a hearing date is set, we will need ten (10) additional copies of the application, surveys and plans. All copies must be collated and organized to be distributed to the Board members.
- 7 Notice of Hearing must be placed in the West Essex Tribune **ten (10) days** prior to hearing date. Return notarized Affidavit of Publication (issued by the West Essex Tribune with copy of Public Notice article) to the Planning office for the file.
- 8 Provide all property owners within 200 feet of property with the *Zoning Board of Adjustment Notice of Hearing* letter via hand delivery or via Certified US Mail. Complete and notarize *Affidavit of Service of Notice* including signatures of all property owners that received the letter via hand delivery and/or provide original receipts of all Certified US Mail recipients. Form can be notarized at Town Hall.
- 9 List of names and addresses of persons having 10% interest or more in the applicant, corporation or partnership (if applicable).
- 10 Fee as required by Ordinance – \$200.00 for first “c” variance and \$100.00 for each additional, and \$300.00 for “d” variances. Please make checks payable to the Township of Livingston. **All fees collected are non-refundable.**

TOWNSHIP OF LIVINGSTON – PLANNING DEPARTMENT

APPLICATION TO VARY OR MODIFY THE PROVISIONS OF THE ZONING ORDINANCE

APPLICATION NUMBER _____

APPLICANT _____ PHONE _____

ADDRESS _____

OWNER _____

ADDRESS _____

ATTORNEY REPRESENTING APPLICANT _____

ADDRESS _____ PHONE _____

PROPERTY LOCATION _____

BLOCK _____ LOT(S) _____ ZONE _____

PRESENT USE _____

PROPOSED CONSTRUCTION OR USE _____

PROPOSAL IS CONTRARY TO THE PROVISIONS OF THE LAND USE ORDINANCE AS TO:
(STATE VIOLATION, ARTICLE, SECTION, AND VARIANCE REQUEST)

PRINCIPAL POINTS ON WHICH THIS APPEAL IS BASED

HAS THERE BEEN ANY PREVIOUS APPEAL REGARDING THESE PREMISES?

(If so, state the character of appeal, date, and disposition)

I hereby affirm that all of the above statement and statements contained in the papers submitted herewith are true.

Signature of Applicant _____ *Date* _____

Address _____

I hereby affirm that I am the owner of the premises involved in this application and that I consent to the filing of the application.

Signature of Owner _____ *Date* _____

Address _____

TOWNSHIP OF LIVINGSTON – PLANNING DEPARTMENT

DECLARATION OF APPLICABLE SUBSECTION

All applicants or appellants coming before the Planning Board or Zoning Board of Adjustment seeking variance approval shall complete and submit this form as part of the regular application forms. This form shall list the section of the Statute under which the application is made as well as the basic reasons that will be presented in order to obtain the relief sought.

The Planning Board and Zoning Board of Adjustment of the Township of Livingston have been established pursuant to the authority of the Municipal Land Use Law of the State of New Jersey (N.J.S.A. 40:550-1 et seq.). Within the guidelines of that Statute, both Boards shall have the power, under certain circumstances, to grant variances pursuant to Section 40:550-70c:

c(1): Where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, (b) or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to the property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;

c(2): Where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and benefits of the deviation would substantially outweigh and detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act; provided, however, that no variance from those departures enumerated in subsection d. of this section shall be granted under this subsection; and provide further that the proposed development does not require approval by the planning board of a subdivision, site plan or conditional use in conjunction with which the planning board has power to review a request for a variance pursuant to subsection 47 a. (C. 40: 550-60a.) of this act.

Further, both Boards shall have the power to grant, as authorized by Section 40:550-76, under certain circumstances, relief from subsections 25 and 27 (C. 40:550-34 and C. 40:550-36) as to:

76 (a) 1: Direction pursuant to section 25 of this act for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to section 23 (C. 40:550-32) of this act: and,

76 (a) 2: Direction pursuant to section 27 of this act for issuance of a permit for a building or structure not related to a street.

The Zoning Board of Adjustment only, as authorized by Section 40:55D-70, shall have the power to:

70(a): Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning ordinance;

70(b): Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning official map ordinance in accordance with this act; and,

70(d): In particular cases and for special reasons, grant a variance to allow departure from regulations pursuant to article 8 of this act to permit (1) a use or principal structure in a district restricted a against such use or principal structure, (2) an expansion of a non-conforming use, (3) deviation from a specification or standard pursuant to section 54 of P.L. 1975, c. 291 (C. 40:55D-67) pertaining solely to a conditional use, (4) and increase in the permitted floor area ration as defined in section 3.1 of P.L. 1975, c 291 (C. 40: 55D-4), (5) an increase in the permitted density as defined in section 3.1 of P.L. 1975, c. 291 (C. 40:55D-4) except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision. A variance under this subsection shall b granted only by affirmative vote of at least five members, in the case of a municipal board, or 2/3 of the full authorized membership, in the case of a regional board pursuant to article 10 of this act.

No variance or other relief may be granted under the terms of this section unless such variance or other 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. In respect of any airport hazard area delineated under the Air Safety and Hazardous Zoning Act of 1983, "P.L. 1983,c. 260 (c. C. 6:1-80 et seq.) no variance or other variance or other relief may be granted under the terms of this section permitting the creation or establishment of a nonconforming use which would be prohibited under the standards promulgated pursuant to that act except upon issuance of a permit by the Commissioner of Transportation.

This application is based upon section(s) 40:55D-_____

A short statement of the reason(s) why the applicant believes that it is entitled to the relief requested under the appropriate section(s) is:

Signature of Applicant

Date

TOWNSHIP OF LIVINGSTON – PLANNING DEPARTMENT

APPLICATION FOR DEVELOPMENT

APPLICANT _____

ADDRESS _____

BLOCK(S) _____

LOT(S) _____

This will certify that all taxes on the above referenced property have been paid to date and that there are no outstanding assessments for local improvements, except as noted below.

Vibha Desai, Tax Collector

TOWNSHIP OF LIVINGSTON – PLANNING DEPARTMENT

REQUEST FOR CERTIFIED LIST OF PROPERTY OWNERS

PROPERTY LOCATION

BLOCK(S)

LOT(S)

REQUESTED BY

ADDRESS

I hereby request one (1) copy of a certified list of all property owners within 200' of the property described above. Please mail the list to the above address.

The ten-dollar (\$10.00) fee for the preparation of this list is attached.

Signature

Date