

TOWNSHIP OF PRINCETON - ZONING BOARD OF ADJUSTMENT

APPLICATION FOR “C” VARIANCES:

C1 - HARDSHIP IN MEETING BULK ZONING REQUIREMENTS, ARISING OUT OF PROPERTY CONDITIONS

and/or

C2 – A BETTER ZONING ALTERNATIVE

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PAGE OR FORM*

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** Numbered pages: instructions and information for applicant.*

** Lettered forms: required for application or public meeting.*

CONTACTS:

Zoning Board of Adjustment
Township of Princeton Municipal Complex
400 Witherspoon Street
Princeton, NJ 08540

Telephone:	609-921-1359
Facsimile:	609-688-2026
E-mail:	zoning@princeton-township.nj.us
Website:	www.princetontwp.org/zoningmain.html
Primary contact:	Zoning Board Secretary
Zoning Officer:	Peter A. Kneski
Deputy Zoning Officer:	Christine M. Lewandoski

APPLICATION INSTRUCTIONS FOR “C” VARIANCE

Refer to N.J.S.A. 40:55D-70c and Princeton Township Code 10B-20(c) for primary legal requirements and procedures.

Applications require filing with the Zoning Office the Application for “C” Variance, under cover of **Form A**, and including all required supplementary information and forms (**Checklist, Form B**).

Application must be accompanied by the required fees (**Form C**). Additional fees may be charged as provided by State Statutes, Township Ordinances, and/or Zoning Board rules.

Application must include the owner’s affidavit of ownership, and, if made by a person other than the owner of the subject property, the power of attorney (**Form E**).

The application requires a written statement which must include the following:

C (1) variance:

Pertinent information

- a. Exceptional narrowness, shallowness, or shape of the property, and/or
- b. Exceptional topographical conditions, and/or
- c. Other exceptional situations affecting the proposed development, resulting in practical difficulties, or hardship, for the applicant.

“Positive reasons” to be proven at the public hearing, including

- The conditions causing hardship are peculiar to the subject property, and do not apply generally to other properties in the same district.
- Other means to cure the deficiency (such as purchase or sale of property) do not exist.
- The variance requested is the reasonable minimum needed.

C (2) variance: “Positive reasons” to be proven, including

- The benefits of the proposed deviation outweigh its detriments.
- The proposal is better for the community than the zoning requirement.

C (1) & (2) variance: “Negative reasons” to be proven

- Proposal would not cause substantial detriment to the public good, nor substantially impair the intent and purpose of the zoning plan (**Master Plan & Zoning Ordinance**).

Specific data for the property and its existing and/or proposed changes are required to compare each variance requested to corresponding zoning regulations (**Form H**). Additionally, plans of the property, showing such data, are required as outlined on **Page 3**.

Following receipt of application, with requisite fees and all required checklist forms and information, the Zoning Office shall notify the applicant within 45 days, either that the application is complete, or otherwise as to additional information required for completion. Lacking such notice, the application will be deemed complete as of the 45th day.

Each application will be numbered serially and placed on the calendar for public hearing at a regular Zoning Board meeting, not less than 20 days after completion of filing, with documents available for public inspection for at least 10 days prior to hearing. Timely filing does not guarantee placement on the agenda of the next meeting; the Zoning Board Secretary will notify the applicant of the hearing date. See **Page 4** for public hearing requirements and procedures.

PROPERTY PLANS AND DATA

All applications must include drawings depicting the subject property as it exists, and with any proposed changes, including the following:

- a. Tax map block & lot numbers, street address if existing, and date of preparation, on each drawing.
- b. Name of person preparing each drawing.
 - If site plan is prepared by a licensed surveyor, it must be signed and sealed.
 - If architectural drawings are prepared by a New Jersey registered architect, they must be signed and sealed.
- c. Key map with legible street plan and location of subject property, including zoning district boundary and north arrow.
- d. Location of all properties within 200 feet of subject property, including approximate location of structures thereon. For adjoining properties, distance from structures to nearest property line of subject property. Names of owners of all adjoining properties. (Copy of tax map sheet may be used as base map for this purpose. Copies of topographical maps with structure locations may also be used. Both are available at cost from the Township Engineering Department - Technical Section.)
- e. Scaled site plan, showing
 - Dimensions of lot and lot area.
 - Significant trees and other vegetation.
 - Topography if pertinent to application. (May be required by Zoning Office.)
 - Bearings on property lines.
 - All setback lines, according to zoning regulations.
 - Locations and dimensions of existing and proposed structures.
 - Distances between structures and property lines.
 - North arrow.
- f. Scaled building drawings: (for all elevations)
 - Existing and proposed floor plans, including overall dimensions and gross square footage for each floor.
 - ALL Existing and proposed elevations, with sectional views if needed for clarity, and including required and proposed setback/height ratio lines for the variance requested, as well as any existing non-conforming conditions.
- g. Impervious Coverage Breakdown
- h. Photos or other exhibits may be provided to help explain the application.

Note: All existing and proposed dimensions and ratios (including their calculations) entered in *Form H* (Variance Request vs. Zoning Regulations) must be shown on the drawings. Setback dimensions and height setback ratios apply to the furthest projection of any part of the structure.

TOWNSHIP OF PRINCETON: ZONING BOARD OF ADJUSTMENT

APPLICATION FOR "C" VARIANCE(S)

APPLICANT:

Name: _____

Address: _____

Telephone: (____) _____

Facsimile: (____) _____

E-mail: _____

OWNER IF DIFFERENT:

Name: _____

Address: _____

Telephone:(____) _____

PROPERTY INFORMATION:

Block number: _____

Address: _____

Lot number(s): _____

Zoning district: _____

Tax map date: ____/____/____

Date acquired: ____/____/____

Prevailing zone at that time: _____

PROPOSED VARIANCE(S):

ASSOCIATED APPLICATIONS:

"D" Variance(s) _____

Subdivision _____

Site Plan _____

Conditional Use _____

APPLICATION COPY PROVIDED TO:

Mercer County Planning Board _____

PREVIOUS ACTION: State the nature, date, and disposition of any previous request, application, or appeal regarding this property, to the Township Zoning Board or Building Official, to the best knowledge of owner/applicant:
- - - - -

[Box for Zoning Office use only]

File No. _____

Escrow No: _____

ADDRESS: _____

ZONE: _____

Submission Date: _____

45 Comp. Date: _____

**INFORMATION AND FORMS REQUIRED IN APPLICATION:
CHECKLIST**

ORIGINAL APPLICATION: 2 complete sets required for initial review. Total of 13 sets (with any revisions) required when application is deemed complete.

<u>TITLE</u>	<u>FORM</u>
___ Application for “C” variance (cover sheet)	A
___ Checklist (this document, marked for contents)	B
___ Filing Fees (with separate check for each)	C
___ Escrow agreement	D
___ Affidavit of ownership and power of attorney (see Page 2)	E
___ Affidavit of Correctness	F
___ Request for Taxpayer Identification Number	G
___ Application statement: requirements on Page 2 .	By Applicant
___ Variance Request vs. Zoning Regulations	H
___ Property plans and information: requirements on Page 3	By Applicant

Note: Standard forms are enclosed on previous and following pages. Other forms as required may be specified and provided by the Zoning Department.

FILING FEES: "C" VARIANCE

1. WITH INITIAL APPLICATION:	REVIEW/ HEARING FEES	ESCROW FEES
"C" Variance: Section 10B-20 (c) zoning relief	\$150.00	\$750.00
Educational Training Fee	\$ 30.00	
Decision publication	\$ 35.00	
List of property owners, utilities, & other government entities:	\$ 10.00 or \$.25/name, whichever is greater	
Total:	\$225.00 Or \$215.00 (if owners list is not obtained from the Township)	\$750.00

Please submit two separate checks: one for application fees, educational training fee, decision publication fee and owners list fee; the other for the escrow amount. Both checks should be made payable to the *Township of Princeton*.

LAND DEVELOPMENT ESCROW AGREEMENT

***TOWNSHIP OF PRINCETON
COUNTY OF MERCER
STATE OF NEW JERSEY***

Land Development Application Number: _____ (by Zoning Office)

Lot(s): _____

Block: _____

Name and Address of Developer (Applicant):

Pursuant to Section 10B-36 of the Princeton Township Code, the undersigned hereby agrees to pay for the cost of professional services, including engineering, professional planning, and legal services necessary to review the developer's application as captioned above.

Developer (Applicant)

Title

Date: _____, 20____



VARIANCE REQUEST VS. ZONING REGULATIONS: ZONE _____

Section 10B-246 of the Township Zoning Ordinance provides the Zoning Regulations Schedule of bulk (dimensional) requirements for each Zone District. Please confirm that the data are correct for the subject property. Enter each dimension or ratio in the corresponding column, noting with an asterisk any existing or proposed not conforming with the requirements. **Setback dimensions and height setback ratios apply to the furthest projection of any part of the structure.**

	ZONING REQ:	EXIST/PROPOSED:	VAR. REQUEST
LOT AREA (sq. ft.)	_____	_____/_____	_____
LOT WIDTH AT BUILDING LINE (ft.)	_____	_____/_____	_____
LOT DEPTH (ft.)	_____	_____/_____	_____
LOT FRONTAGE (ft.)	_____	_____/_____	_____
BUILDING SETBACKS (ft.)	FRONT	_____/_____	_____
	REAR	_____/_____	_____
COMBINED FRONT & REAR	_____	_____/_____	_____
	LEFT SIDE	_____/_____	_____
	RIGHT SIDE	_____/_____	_____
COMBINED RIGHT & LEFT SIDE	_____	_____/_____	_____
SETBACK/HEIGHT RATIOS:	LEFT SIDE	_____/_____	_____
	RIGHT SIDE	_____/_____	_____
	FRONT	_____/_____	_____
	BACK	_____/_____	_____
PARKING SETBACKS (ft.):	FRONT	_____/_____	_____
	SIDE	_____/_____	_____
	REAR	_____/_____	_____
*BUILDING HEIGHT (ft.)-	_____	_____/_____	_____
**FLOOR AREA RATIO (gross floor area/ lot area)	_____	_____/_____	_____
IMPERVIOUS COVERAGE %	_____	_____/_____	_____

For hardship variance from the Zoning Ordinance, other than the requirements listed above, provide information as indicated for each requested variance:

1. Section number of the ordinance and the ordinance requirement:

2. The existing and/or proposed conditions:

3. Difference between existing/proposed conditions and the corresponding ordinance conditions, or the extent of variance requested:

*Requires D variance if proposed is 10 feet or 10% over requirement

**Requires D variance if proposed is greater than the zoning requirement

PUBLIC HEARING REQUIREMENTS AND PROCEDURES

Public notice: The applicant shall give notice by publication in a newspaper of general circulation in the Township, at least ten days prior to the hearing. See **Form I** for notice requirements.

Notice to neighboring property owners, government entities, and public utilities: At least ten days prior to the hearing, the applicant shall give written notice to all owners of property within 200 feet of the property, whether in or outside the Township, to public utilities operating within the Township, and to municipalities, counties, and/or the State as required. Notice shall be sent by registered mail or by handing the notice directly to the property owner and obtaining a receipted copy. See **Form J** for notice requirements. Addresses may be obtained from the current tax records of the Township, or from a list of property owners and others requiring notice prepared by the appropriate administrative officer, at the written request of the applicant and by payment of the prescribed fee. See **Form K**.

Affidavits of notice: Affidavits of publication (from the newspaper) and of proof of service with certified mail slips or receipted letters for those noticed must be presented to the Zoning Board Secretary prior to noon of, and preferably before, the date of the hearing. See **Form L**.

At the hearing, the applicant may appear for herself or himself, or be represented by an attorney at law of the State of New Jersey. Corporations must be represented by an attorney.

Action taken by the Zoning Board becomes a final decision by passage of a memorializing resolution by the Board within 45 days following, to be published in an official newspaper of the Township not more than ten days following that event.

Regular meetings of the Zoning Board are normally on the fourth Wednesday of each month, at 7:30 P.M. in the Township Hall. An annual schedule of regular meeting dates is available in the Zoning Office, or on the Website.

Filed applications which are postponed for hearing by the applicant for more than two monthly meetings may be required to be resubmitted in their entirety.

The Zoning Office will furnish forms upon request, and is prepared to give general advice concerning their use and submission. Failure to comply with these instructions shall be sufficient cause for the Zoning Board to refuse to hear an application or appeal.

Following variance approval by the Zoning Board, a zoning permit must be secured from the Zoning Office, and a building permit (if construction is planned), from the Building Department.

An appeal process is available to anyone who believes that the Board's decision is not valid under the pertinent laws and regulations. Appeal must be filed within 45 days following publication of the memorialized resolution.

HELPFUL INFORMATION FOR PUBLIC HEARINGS

The following may be helpful in your presentation to the Zoning Board:

In seeking relief from the existing regulations established by the Municipal Land Use Ordinance, you must tell the Board what it is you are requesting, and you must present evidence to enable the Board to make a determination that you are entitled to the relief requested. This process, by law, is in the nature of a judicial hearing, and accordingly, your cooperation and respect will be appreciated. Any questions you may have during the hearing may be addressed to the Chair or the Board's attorney.

It is your burden to meet the legal criteria for entitlement to that relief. This means you must prove the "positive reasons" for granting your application, as well as the "negative reasons", that granting will not be substantially detrimental to the public good, nor to the intent of the zoning plan and ordinance.

All testimony is presented under oath. A tape recording is made as a record of these proceedings; so please speak into the microphone. You may present a brief description of the nature of your application, and then you are to present whatever testimony, witnesses, and exhibits you wish the Board to consider. The Board members may ask questions of you and your witnesses. Other persons, including members of the public, also have the right to ask questions, make statements, or present testimony for the Board's consideration.

Upon completion of the testimony and related questions, the Board will close the public portion of the hearing and enter a deliberative session, during which there will be no further testimony nor argument unless the Board directs it. The deliberation and decision of the Board will take place in public. To confirm a decision taken by vote of the Board, a formal resolution will be prepared by the Board attorney for memorialization at the next regular meeting, which concludes the Board's action at that time.

FORMS REQUIRED PRIOR TO PUBLIC HEARING

<u>TITLE</u>	<u>FORM</u>
____ Publication of notice (at least 10 days prior)	I
____ Affidavit of Publication (from newspaper)	By Applicant
____ Notice of hearing to property owners, utilities, and other government entities (at least 10 days prior)	J
____ Request for list of property owners and others requiring notice	K
____ Affidavit of proof of service of notices (to be accompanied by certified mail slips or receipted letters)	L

FORM B/A-10

FILE NO.: _____

PUBLICATION OF NOTICE
(ref. R.S. 40:55D, 11 & 12
Township Code 10B-49,50 & 55)

Date: _____ **(Publication Notice should be typed)**

NOTICE

Notice is hereby given that on the _____ day of _____, _____(year), at _____ P.M.,
Municipal Complex, 400 Witherspoon Street, Princeton, New Jersey, the Zoning Board of
Adjustment of said Township will hold a hearing on the (appeal) (application) of the undersigned,
at which time and place all interested persons will be given an opportunity to be heard.

Location of premises: (address, block and lot number)
Nature of appeal or application: (ref. Note 2 below)

**The following described maps and papers are on file in the office of the Zoning Board, Municipal
Complex, 400 Witherspoon St., and are available for inspection between the hours of 9:00 a.m. and 4:00
p.m. (Insert description of documents)**

(Print name)

Signature of Applicant/Appellant

**Note 1: This must be published as a legal notice in the official newspaper of Princeton Township or
in a newspaper of general circulation in Princeton Township, at least ten (10) days before
the meeting date**

**Note2: Consult R.S. 40:55D-11 & 12 and Twp Code 10B-49, 50 & 55 and include in notice all
required contents. Include references to all requests made in conjunction with the
application for development, subdivision, conditional use, variance or special permit.**

FORM B/A-6

File No. : _____

NOTICE OF HEARING TO PROPERTY OWNERS WITHIN 200 FEET

**ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF PRINCETON, NEW JERSEY**

Date: _____

**NOTICE OF HEARING TO PROPERTY OWNERS
(N.J.S.A. 40:55D-11 & 12)**

TO WHOM IT MAY CONCERN:

In compliance with 10B-55 to 10B-56.1 of the Princeton Township Land Use Code, notice is hereby served upon you to the effect that (I) (we) _____

do hereby propose to: **(Give detailed information)**

Location of property: (address, block and lot number)

The undersigned has filed an appeal or application for development with the Zoning Board of Adjustment of The Township of Princeton so as to permit _____

_____.

(if applicable) (I) (We) have also applied to the Zoning Board of Adjustment for a subdivision _____, site plan _____, and/or conditional use _____ approval.

Any person or persons affected by this (appeal) (application) may have an opportunity to be heard at the meeting to be held on _____, at _____ P.M. in the Main Meeting Room of the Municipal

Complex, 400 Witherspoon Street, Township of Princeton, New Jersey.

All documents relating to this application may be inspected by the public between the hours of 9:00 a.m. and 4:00 p.m. in the office of the Zoning Board of Adjustment, Municipal Complex, 400 Witherspoon Street, Princeton, New Jersey.

Signature of Applicant/Appellant

WRITTEN REQUEST FOR LIST OF PROPERTY OWNERS

**TOWNSHIP OF PRINCETON
ZONING BOARD OF ADJUSTMENT**

**WRITTEN REQUEST FOR LIST OF
PROPERTY OWNERS WITHIN 200 FEET**

(N.J.S.A. 40:55D-12(c))

(Township Code 10B-55)

This is a request for the Administrative Officer to make within seven (7) days and certify a list from current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to N.J.S.A. 40:55D-12(b) and Township Code 10B-55.

I understand that I shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding.

Signature of Applicant

**(APPLICANT'S NAME AND ADDRESS)
(PLEASE PRINT)**

Name: _____

Address: _____

Phone: _____

PROPERTY ADDRESS: _____

PROPERTY Section (Block): _____ **Lot:** _____ of request.

Fee: 10B-55 Ten dollars or \$.25 per name, whichever is greater.

NOTE: Other notices are, or may be, required by N.J.S.A. 40:55D-12 and by other State laws and Municipal Ordinances, the recipients of which are not included in the above list of property owners within 200 feet. All required notices are to be given by the applicant per N.J.S.A. 40:55D-12 and Township Code 10B-55.

5/10/00

Rev. 5/10/00

