

# TOWNSHIP OF PRINCETON - ZONING BOARD OF ADJUSTMENT

## APPLICATION FOR “D” VARIANCE:

USE OF PROPERTY OR DENSITY (UNITS PER ACRE) NOT PERMITTED IN ZONING CODE; OR  
FLOOR AREA RATIO OR MAJOR BUILDING HEIGHT EXCEPTION TO CODE

<b><u>TABLE OF CONTENTS</u></b>	<b><u>PAGE OR FORM*</u></b>
CONTENTS & CONTACTS	1
APPLICATION INSTRUCTIONS, PROPERTY PLANS & DATA	2-3
APPLICATION FOR “D” VARIANCE (COVER SHEET)	A
INFORMATION & FORMS REQUIRED IN APPLICATION: CHECKLIST	B
OTHER STANDARD FORMS FOR APPLICATION	C-H
PUBLIC HEARING REQUIREMENTS & HELPFUL INFORMATION; FORMS REQUIRED	4-6
STANDARD FORMS FOR PUBLIC HEARING	I-L

\* *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:	<a href="mailto:zoning@princeton-township.nj.us">zoning@princeton-township.nj.us</a>
Website:	<a href="http://www.princetontwp.org/zoningmain.html">www.princetontwp.org/zoningmain.html</a>
Primary contact:	Zoning Board Secretary
Zoning Officer:	Peter A. Kneski
Deputy Zoning Officer:	Christine M. Lewandoski

## APPLICATION INSTRUCTIONS FOR “D” VARIANCE

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

Applications require filing with the Zoning Office the Application for “D” 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:

- a. “Special reasons” to justify granting the relief requested, as required by statute. These special reasons must be shown to be unique or peculiar to the property for which variance is requested, and not generally applicable to neighboring properties.
- b. Reasons why strict application of the zoning prohibition of the requested use or development would deprive the applicant of reasonable use of the land or buildings involved.
- c. Evidence that the requested relief may be granted without detriment to the public good or impairment of the intent of the zoning plan (**Master Plan & Zoning Ordinance**). (“Negative Criteria”)

This statement should also describe the facts and contentions to be proven at the public hearing; how the proposal relates to the Master Plan; the proposal’s impact; the community’s needs; and set forth the legal argument for the proposal, as well as all other pertinent information.

A “D” Variance application which includes a proposed Site Plan or Subdivision may be submitted at one time, or may be bifurcated, with the “D” Variance to be decided first, and, if approved, the Site Plan/Subdivision to follow for subsequent hearing. If the application includes a proposed site plan (involving county roads or facilities) or subdivision, it must be filed as well with the Mercer County Planning Board.

Application shall be recorded on receipt by the Zoning Office of complete notice, with requisite fees and all required supplementary information and forms, and if applicable, proof that the application has been filed with the Mercer County Planning Board. The Zoning Office must notify the applicant as to any additional information required for completeness within 45 days after receipt, or the application will be deemed complete.

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 plans depicting the subject property as it exists, and with any proposed changes. If a “C” Variance, Subdivision, or Site Plan application is included, it will provide the necessary information within its checklist requirements. Otherwise, the following plans and included information are to be furnished by the applicant:

- 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 the 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: (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
- g. Photos or other exhibits may be provided to help explain the application.

**Note: If variance is sought for Floor Area Ratio and/or Major Height Exception, the existing and proposed dimensions and ratios (including their calculations) entered in *Form H* (Variance Request vs. Zoning Regulations) must be shown on the building drawings. Setback dimensions and height set back ratios apply to the furthest projection of any part of the structure.**

**TOWNSHIP OF PRINCETON: ZONING BOARD OF ADJUSTMENT**

**APPLICATION FOR "D" VARIANCE**

**APPLICANT:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_  
Facsimile: (\_\_\_\_) \_\_\_\_\_  
E-mail: \_\_\_\_\_

**OWNER IF DIFFERENT:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
(\_\_\_\_) \_\_\_\_\_

**PROPERTY INFORMATION:**

Block number: \_\_\_\_\_  
Lot number(s): \_\_\_\_\_

Address: \_\_\_\_\_

Zoning district: \_\_\_\_\_  
Tax map date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Date acquired: \_\_\_\_/\_\_\_\_/\_\_\_\_

Prevailing zone at that time: \_\_\_\_\_

**PROPOSED VARIANCE(S):**

**ASSOCIATED APPLICATIONS:**

C 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.**

<b><u>TITLE</u></b>	<b><u>FORM</u></b>
___ Application for “D” 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 <b>Page 2</b> )	E
___ Affidavit of Correctness	F
___ Request for Taxpayer Identification Number	G
___ Application statement: requirements on <b>Page 2</b> .	By Applicant
___ Variance Request vs. Zoning Regulations	H
___ Property plans and information (if required; see <b>Page 3</b> )	By Applicant
___ Subdivision and/or Site Plan application(s) if included (see <b>Page 2</b> ) (conforming to Township requirements, and including C Variance application for any bulk/hardship variances; see note below)	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: “D” VARIANCE**

<b>1a. WITH INITIAL APPLICATION:</b>	<b>REVIEW/ HEARING FEES</b>	<b>ESCROW FEES</b>
D Variance: Section 10B-20 (d) zoning relief	\$500.00	\$1500.00
Educational Training fee	\$ 30.00	
Decision publication fee	\$ 35.00	
Property Owners List	\$ 10.00 or .25 cents whichever is greater.	
<b>Total:</b>	<b>\$575.00</b> Or <b>\$565.00</b> (if owners list is not obtained from the Township)	<b>\$1500.00</b>

**1b. WITH INITIAL APPLICATION OR BIFURCATED (see Page 2)\*:**

Conditional Use	\$____.00	\$____.00
Subdivision	____.00	____.00
Site Plan	____.00	____.00
 Total:	 \$____.00	 \$____.00

*\* Fees to be advised by Zoning Office based on particular application requirements.*

**Please submit two separate checks; One for application fee, educational training fee, decision publication fee and owners list fee; the other for the escrow amount. Both checks must 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 \_\_\_\_\_**

**For each variance from the Princeton Township Zoning Ordinance, please provide the information called for below for the type of “D” variance requested.**

**1. USE OF PROPERTY:**

- Permitted or conditional use(s) provided in the Ordinance:

---

\_\_\_\_\_ Ordinance section number: \_\_\_\_\_

- Existing and/or proposed use(s):

---



---

**2. DENSITY (UNITS PER ACRE):**

- Permitted density provided in the Ordinance:

---

\_\_\_\_\_ Ordinance section number: \_\_\_\_\_

- Existing and/or proposed density:

---



---

**3. FLOOR AREA RATIO:**

- Maximum floor area ratio provided in the Ordinance, showing calculation in the case of an undersized lot:

---



---

\_\_\_\_\_ Ordinance section number: \_\_\_\_\_

- Existing and/or proposed floor area ratio, showing calculation(s):

---



---

**4. MAJOR BUILDING HEIGHT (EXCEEDING PERMITTED HEIGHT BY 10 FEET OR 10%):**

- Permitted height provided in the Ordinance:

---

\_\_\_\_\_ Ordinance section number: \_\_\_\_\_

- Existing and/or proposed height, showing variance calculations:

---



---

## 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. It is recommended that all applicants seek legal advice in preparation of complex applications or presentations. 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.

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 "special reasons" for granting your application, as well as the "negative criteria", 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****TITLE****FORM**

\_\_\_\_ 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.,  
at the 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 at the 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.**

5/10/00

**Rev. 5/10/00**

**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, 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**



