

**Instructions for Applicants Requesting a Variance for
Single-family or Two-Family Residential Properties from the Board of Adjustment
(No Subdivision Required)**

These instructions are intended to assist applicants filing an application to the Board of Adjustment for a variance or variances involving single-family or two-family residential properties. *Please note that the process for variances that also require subdivision approval for residential uses is different and that additional requirements will apply in such situations.* The steps in preparing, submitting and presenting your application include the following:

1. Pick up the application form materials. The application materials that accompany these instructions include the following documents:
 - An application form.
 - A checklist of submission requirements.
 - A sample notice form for publication in the newspaper.
 - A sample notice form for mailing to neighborhood properties.

The instructions for completing and submitting these and other materials are provided below.

2. Determine the nature of the variance or variances that you need. Meet with the Zoning Officer and obtain a letter of denial, which will state the zoning regulation(s) that your proposed plan violates. This letter is to be submitted with your application.
3. Complete the application form and attachments. It is important to fully complete the application form and to leave nothing blank. If certain information on the application form is not applicable to your proposal, you should indicate this by stating “not applicable” or “none”, as appropriate, in the appropriate space on the form. If you are unsure whether or not certain information on the form is applicable, contact the Township Engineer or the Board Secretary, who will assist you with your question.
4. Obtain the supplemental documentation required by the checklist. This information is listed in parts C, D, E, F and G of the checklist. Instructions for each of these documents are provided below:
 - *Certificate from Tax Collector.* This must be requested from the Tax Collector’s office, who will forward the document to the Board Secretary. In order to obtain a favorable report from the Tax Collector, the property taxes and any assessments for the property must be paid through the current quarter.
 - *Resolutions for Prior Decisions from the Board of Adjustment and Planning Board.* The resolutions identify all prior decisions that are on file with the Planning Board and Board of Adjustment and any conditions that may affect your current application. If you do not have the resolutions, or are unsure of the prior decisions of the boards, contact the Board Secretary, who will assist you.

- *Zoning Officer Denial.* See instruction 2, above.
 - *Survey.* You should have in your possession a survey from when you purchased the property. If you have made modifications to the property since you purchased it, you may be required to obtain a new survey. If you are unsure whether or not a new survey must be obtained, contact the Township Engineer, who will assist you with your question.
 - *200-foot Map and List of Property Owners.* These documents must be obtained from the General Office. Please note that if your property is within 200 feet of another municipality, you must also obtain a map and list of property owners from that adjacent municipality.
5. Prepare the variance plan. This plan must clearly illustrate your proposal and how it violates the zoning regulations, and must contain sufficient information to enable the Board of Adjustment to decide whether your application should be approved or denied. The information that must be included on the plan is shown on the checklist of submission requirements that was provided with the packet of application materials given to you by the Board Secretary.

It is important to understand that the checklist contains all of the information that may be required before the application will be heard by the Board of Adjustment. In many cases, not all of this information is necessary and can be waived by the Township Engineer if it is not relevant to your application. If you are unsure whether or not information on the checklist is necessary or not, you may contact the Township Engineer, who will assist you.

As a general guide, the information in parts J, K(1) through K(10), L(1), (3) and (5), and N(1), (2) and (3) on the checklist must always be provided on the plan and will not be waived. The need for other information in parts L, M and N will be determined on a case-by-case basis by the Township Engineer and may be waived if the information is not needed by the Board for its decision.

6. Submit the application materials. Initially, only 3 copies of the application materials should be submitted. This includes copies of the application form, application form attachments, application fees supplemental documents and the plan.

The application fee for residential variance applications is \$300 for one variance and \$600 if more than one variance is requested. In addition, an escrow deposit four times the application fee is required; the escrow deposit is used to reimburse the Township for the cost of professional reviews and for the Board Attorney to prepare a resolution. Any portion of the escrow deposit that is not used will be refunded upon request; if the initial escrow deposit is insufficient to cover the Board's costs, additional deposit funds will be required. The fee and deposit must be paid at the time your application is submitted. The payment may be made in cash or by check or money order payable to the Township of Hanover.

7. Wait for the Township Engineer's completeness determination. The timing of this decision will depend upon the nature of your application and the backlog of other applications, but

will not take longer than 45 days from the date you filed your application. If the Township Engineer determines that your application is complete, you will be informed of this and instructed to proceed to Step 8 below.

If the Township Engineer determines that your application is incomplete, you will be informed of this and of the steps that you must take in order for the application to be complete. These steps must be taken and the application must be reviewed again by the Township Engineer before you will be determined complete and before you may proceed to Step 8, below.

8. Submit the required number of copies. 20 copies of the application form and attachments, supplemental documents and the plan must be submitted before your application will be scheduled on the Board's agenda. If you already submitted 3 copies of these materials and they have not changed, you need only submit 17 more copies.
9. Send notice of the public hearing. The notice must state the following (The sample notice forms included with your information packet are provided to assist you in preparing your notice statement):
 - The date, time and place of the hearing to be held by the Board of Adjustment. This information can be obtained from the Board Secretary.
 - The nature of your proposal and the zoning requirements that the proposal violates. The latter information can be obtained from the Zoning Officer's denial letter (see item 2, above).
 - An identification of the property proposed for development by street address, if any, or by reference to the lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's office.
 - The location and times at which any maps and documents for which approval is sought are available for inspection in the office of the Board Secretary. This can be obtained from the Board Secretary.
 - a. When notice must be sent. Notice must be given at least 10 calendar days prior to the date of the hearing, except as may be required otherwise below. The date of the hearing shall not count as one of the 10 days. Failure to comply with this deadline will result in your hearing being rescheduled to a later date and will require you to give notice for the rescheduled hearing.
 - b. Who must be served notice. Notice shall be published in the Hanover Eagle. The applicant shall arrange this publication by contacting Legal Advertising at the Eagle (telephone: 1-908-766-3900 ext.251). Please note that the Eagle is only published weekly, and therefore publication must be arranged well in advance of the hearing date so that publication occurs at least 10 days before the hearing.

Notice must also be sent by certified mail or hand delivery to the following:

- (1) The owners, as shown on the current tax duplicates, of all real property located within 200 feet in all directions of the property which is the subject of the hearing. If notice is hand delivered, the property owner listed on the 200-foot list provided by the Tax Assessor, or his agent in charge of the property, must sign and date a receipt stating that he/she has received the notice. The receipt must identify the owner or agent who is signing the receipt. Please note that only the owner or agent may sign the receipt. Spouses or other family members, friends, tenants, associates, employees or other persons who are not owners or agents in charge of the property may not sign the notice receipt.
 - (2) If the property is located within 200 feet of an adjoining municipality, the clerk of such municipality.
 - (3) If the property is located adjacent to an existing County road, proposed County road shown on the official County map or on the county master plan, adjoining other County land or situated within 200 feet of a municipal boundary, the Morris County Planning Board.
 - (4) If the property is adjacent to a State highway, the Commissioner of the New Jersey Department of Transportation.
10. Submit proof to the Board Secretary that notice has been served. This must be provided at least 3 business days before the hearing date. Proof of notice must include:
- In the case of newspaper publication, an affidavit from the newspaper stating the date the notice was published.
 - In the case of notice mailed to property owners and governmental agencies, the date-stamped certified mail receipts (green and white) for each address that was sent notice.
 - In the case of notice delivered to property owners, a signed affidavit from the applicant stating the owners served, the content of the notice and the date notice was served, along with the printed name of the property owner served, the owner's signature and the date signed.
11. Appear at the public hearing to present your application and answer questions. At the public hearing, you (or your attorney, as applicable) will be required to describe what you propose and to describe why the Board should grant you permission to violate the zoning regulations. You may also be required to answer questions from interested members of the public at the hearing or from Board members.

At the public hearing, the Board may require that you provide additional information or revised plans before they will vote on the application. In such case, you will need to provide the information at least 10 days prior to the next hearing date.

Under some circumstances the Board may not have sufficient time to complete the hearing on your application on the scheduled date. In such cases, the Board will announce that the

hearing will be carried to another date, and you will be required to attend the meeting on the new date.

Following the completion of the public hearing, the Board will vote to approve or deny your application.