

**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.

If tree removal is involved in the application, an additional escrow deposit shall be required. The amount of the additional deposit is \$100 for up to three (3) trees to be removed, plus \$25 for each additional tree to be removed, up to a maximum additional initial deposit of \$3,000.

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 Morristown Daily Record. The applicant shall arrange this publication by contacting Legal Advertising

at the Daily Record (telephone: 1-888-516-9220 fax 1-888-516-9470 e-mail [DLEGAL@NJPRESSMEDIA.COM](mailto:DLEGAL@NJPRESSMEDIA.COM)). 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.

**Checklist X**  
**Variance for Single-Family or Two-Family Dwelling**

**Application Form**

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[] [] [] [] A. For purposes of completeness review only, three copies of the appropriate application form(s). Thereafter, if the application is determined to be complete, the applicant shall submit seventeen (17) additional copies, for a total of twenty (20) copies, of the appropriate application form(s), completed and signed. If any item is not applicable to the application, it shall be indicated on the application form(s) by the words "not applicable", "none" or other appropriate language.

**Supplemental Information**

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[] [] [] [] B. Applicable fees and initial escrow deposits, as applicable.
- [] [] [] [] C. Certificate from the Tax Collector indicating that all taxes and assessments for the subject property are paid up to and including the most recent collection period.
- [] [] [] []. D. Certificate from both the Board of Adjustment and the Planning Board indicating the nature and date of prior actions, if any, by the respective Boards affecting the subject property, as disclosed by the available records of such Boards. If there is a question concerning whether or not such action(s) may affect the proposed development, a copy of the resolution concerning such action shall be submitted.
- [] [] [] [] E. If the Zoning Officer has issued a letter of denial to the development application, a copy of such letter.
- [] [] [] [] F. A copy of the most recent survey for the subject property, along with a signed statement (statement form to be provided by Board Secretary with the application form) by the applicant that the survey accurately portrays the current conditions on the property. In the event that the survey does not accurately portray current conditions, an updated survey may be required, as determined by the Township Engineer.
- [] [] [] [] G. A map of the properties and a list of property owners and utilities located within 200 feet of the property being developed. These documents are to be obtained by the applicant from the Deputy Township Clerk.
- [] [] [] [] H. In the case of an application to permit a prohibited use, a statement consisting of a general description of the proposed project and an assessment of its anticipated impact on surrounding properties, the neighborhood, the community

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and the environment, including but not necessarily limited to considerations of land use, visual qualities, traffic, drainage, utilities and natural resources.

### Proposed Plan Information

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[ ] [ ] [ ] [ ] I. Number of copies. For purposes of completeness review only, three (3) copies of the proposed plan(s). Thereafter, if the application is determined to be complete, the applicant shall submit seventeen (17) additional copies, for a total of twenty (20) copies, of any proposed plan(s).

[ ] [ ] [ ] [ ] J. Who may prepare. Any plan submitted as part of an application to a Township agency shall be prepared by an individual pursuant to the regulations in N.J.A.C. 13:27, 13:40, and 13:41, as amended, provided that the owner of a single-family detached or two-family dwelling may prepare the plan for their property involving such dwelling. The plan preparer, whether professional or owner, shall be identified on the plan and the plan preparer's signature included on the plan.

K. Reference/Record Information. Each proposed plan shall contain the following information for reference purposes and for the record:

[ ] [ ] [ ] [ ] (1) Name(s) and address(es) of applicant and owner.

[ ] [ ] [ ] [ ] (2) Name, address and signature of plan preparer. If prepared by a professional engineer, surveyor, architect or landscape architect, the plan must also contain the professional's license number and seal.

[ ] [ ] [ ] [ ] (3) Lot and block numbers of the property, based upon the current Township Tax Map.

[ ] [ ] [ ] [ ] (4) Date plan was prepared and date(s) of all plan amendments.

[ ] [ ] [ ] [ ] (5) If the plans contain more than one sheet, all sheets shall be numbered consecutively.

[ ] [ ] [ ] [ ] (6) A blank rectangular area at least 4 inches wide by 2.25 inches high on the plan, or on the first sheet of the plan set in the case of plans with more than one sheet. This space shall be reserved for the Township's standard signature block for the Chairman and Secretary of the Board.

[ ] [ ] [ ] [ ] (7) If the plan is based upon a previous survey or other plan, a reference note indicating the title, date and preparer of the previous survey/plan.

[ ] [ ] [ ] [ ] (8) Scale of map. The scale shall not exceed forty (40) feet to the inch.

[ ] [ ] [ ] [ ] (9) North arrow.

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(10) Zone district within which the property is located.

L. **Property Information. Each proposed plan shall contain the following information concerning the subject property. Certain information, as noted below, may not be required for all applications and may be waived by the Township Engineer.**

[] [] [] [] (1) Boundaries of the site(s) in question, with bearings and dimensions of same. If more than one lot is part of the application, the number of each lot in accordance with the current Township Tax Map shall be shown.

[] [] [] [] (2) Municipal boundary line(s), if any, crossing or adjacent to the subject property. **(may not be required for all applications)**

[] [] [] [] (3) Location and width of existing and proposed easements or rights-of-way on or abutting the subject property, including but not limited to streets, utility and drainage easements, sight easements and access easements.

[] [] [] [] (4) If improvements (e.g., driveway openings, utility service connections, drainage pipes and other drainage structures) are proposed within the street right-of-way, then the location, dimensions and nature of existing improvements located within the street right-of-way shall be shown. **(may not be required for all applications)**

[] [] [] [] (5) If a new principal building or addition to an existing principal building is proposed, the required building envelope for the lot, showing graphically and by dimension the required minimum front, side and rear yard setbacks for the principal building.

[] [] [] [] (6) If required by the Township Engineer, buildings and paved areas on adjacent properties. **(may not be required for all applications)**

M. **Environmental Information. Each proposed plan shall contain the following environmental information, unless waived by the Township Engineer (may not be required for all applications):**

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(1) Location of streams, ponds and other water bodies, along with 100-year flood hazard areas on the property, and also on adjacent properties if same may affect the proposed development.

[] [] [] [] (2) When in the opinion of the Township Engineer, wetlands or required wetland transition areas are present on the property, one of the following:

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- (a) A letter of interpretation from the N.J.D.E.P. indicating the absence of freshwater wetlands, or indicating the presence and verifying the boundaries of freshwater wetlands, and classifying same by resource value.
- (b) A letter of exemption from the N.J.D.E.P. certifying that the proposed activity is exempt from the Freshwater Wetlands Protection Act, and regulations promulgated thereunder.
- (c) A copy of any application made to the N.J.D.E.P. for any permit concerning a proposed regulated activity in or around freshwater wetlands.
- (d) Documentation demonstrating that no wetlands exist on the subject property, and demonstrating that no wetlands exist on adjacent property that would affect or limit development on the property which is the subject of the development application.

N. Improvements and Related Information. **Each proposed plan shall contain the following information concerning existing and proposed improvements. Certain information, as noted below, may not be required for all applications and may be waived by the Township Engineer.**

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 [] [] [] []

(1) Location of existing and proposed buildings, with existing and proposed setbacks from property lines dimensioned on the plan.

[] [] [] []

(2) For new buildings and additions to existing buildings, floor plans for existing and proposed buildings, showing the use and layout of internal space, at a scale of not exceeding eight (8) feet per inch. The dimensions of all exterior walls shall be provided on the plan.

[] [] [] []

(3) For new buildings and additions to existing buildings, facade elevations showing the extent and nature of the construction. The vertical height of the new building or addition, measured from the roof peak, above the finished floor elevation of the building shall be provided on the plan.

[] [] [] []

(4) Location of existing and proposed paved areas, including parking areas, driveways, sidewalks, etc., showing the design of such areas. Where appropriate, the Township Engineer may require the dimensions of such areas and their setback from property lines to be shown on the plan(s). **(may not be required for all applications)**

[] [] [] []

(5) The location and nature of existing and proposed utility services, including water supply, sanitary sewers, septic systems, gas, electric, telephone and cable television service. **(may not be required for all applications)**

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[ ] [ ] [ ] [ ]

(6) If buildings or impervious areas are proposed, the Township Engineer may require the plan to show the location and nature of existing and proposed storm drainage improvements and may require the submission of drainage calculations. **(may not be required for all applications)**

[ ] [ ] [ ] [ ]

(7) Location and description of existing and proposed street trees, shade trees and other landscaping. Information for proposed plantings shall include plant names, number of plants and planted size. **(may not be required for all applications)**

[ ] [ ] [ ] [ ]

(8) If tree removal or planting approval is required pursuant to §166-110.1 or §166-131, the information required by that §166-110.1B. **(may not be required for all applications)**

[ ] [ ] [ ] [ ]

(9) The location and design of existing and proposed fences, walls, sidewalks and similar improvements. **(may not be required for all applications)**

[ ] [ ] [ ] [ ]

(10) If lighting is proposed, the height and location of the fixture(s), type of fixture(s), pole material, and manufacturer's isocandela diagram or illumination grid superimposed upon the site plan. Original manufacturer's details of the light fixtures, or photocopies of the same, shall be submitted. **(may not be required for all applications)**

[ ] [ ] [ ] [ ]

(11) If a sign or signs are proposed, the number, location, height, area, materials, design and illumination of such sign(s). **(may not be required for all applications)**

[ ] [ ] [ ] [ ]

(12) If determined to be necessary by the Township Engineer, existing and proposed topographic contours, both for the property and for adjacent areas affecting or affected by the development. Contour intervals shall not exceed the following: up to twenty-five percent (25%) grade, two (2) feet; over twenty-five percent (25%) grade, five (5) feet. Contour elevations shall be referenced to the New Jersey Geodetic Control Survey datum. **(may not be required for all applications)**

[ ] [ ] [ ] [ ]

(13) If regrading near existing buildings or paved areas is proposed, proposed spot grades at the corners of all buildings and in appropriate pavement locations, and finished floor elevations of buildings. **(may not be required for all applications)**

[ ] [ ] [ ] [ ]

(14) If determined to be necessary by the Township Engineer, a soil erosion and sedimentation control plan. **(may not be required for all applications)**

[ ] [ ] [ ] [ ]

(15) Construction details and specifications sufficient to illustrate the nature of proposed site improvements, including but not limited to the following:

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paving, curbing, walls, fences, utility and storm drainage structures, soil erosion control structures, tree protection devices, light fixtures and standards, signs, planting and staking details, and barrier-free access design. **(may not be required for all applications)**

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