

INSTRUCTIONS FOR VARIANCE APPLICATIONS
Single-family or Two-Family Residential Properties
(No Subdivision or Site Plan Application)

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 subdivision or site plan approval is different in some ways from that described here. The steps in preparing, submitting and presenting your variance 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 reference table of the zoning standards for the various zone districts.
 - A blank zoning table, with explanation, that must be completed and submitted with the application.
 - A sample notice form for publication in the newspaper and for mailing to neighborhood properties.
 - A sample form of affidavit for publication and mailing of notice.

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. The Zoning Officer will give you a letter of denial which will identify the variances that you need. You may also review the zoning regulations, available online at:
<http://ecode360.com/RI1200?needHash=true>
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 Zoning Officer or the Board Secretary, who will assist you with your question.
4. Obtain the supplemental documentation required by the checklist and by the application form. 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

what, if any, prior decisions of the boards may exist, contact the Board Secretary, who will assist you.

- *Survey*. Survey must be no more than 24 months old.
 - *Certification of Flood Zone status*. This must be obtained from the Engineering Department.
 - *Certification of historic site/district status*. This must be obtained from the Engineering Department.
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 some cases, not all of this information is necessary and can be waived 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 Zoning Officer, who will assist you.

6. Submit the application materials. Initially, three (3) copies of the application materials should be submitted. This includes:
- a. Copies of the completed and signed application form and all attachments.
 - b. Copy of **current survey** – Survey must be no more than 24 months old with the Survey Affidavit attached confirming there has been no change. The Survey Affidavit is to be signed by an Owner.
 - c. The documents obtained as part of Step 4 above.
 - d. A copy of the Letter of Denial from the Zoning Officer.
 - e. A completed zoning table (blank tables available from the Board Secretary).
 - f. Variance plans containing information required by the checklist. **Please submit a digital copy of the plans by email to the Board Secretary at jwondergem@ridgewoodnj.net**
 - g. Photos of the subject property, including each side of the dwelling for residential applications.
 - h. The application fees. The application fee for residential variance applications is as follows:
 - Prohibited use, expansion of nonconforming use or density: \$1,000 per variance
 - Gross building area, height exceeding the maximum by 10% or 10 feet: \$500 per variance
 - Other variances: \$200 each, but not more than \$1,000

NOTE: APPLICATION FEES ARE NON-REFUNDABLE.

- i. The property owner notice list fee (\$10).
- j. The escrow deposit. The standard escrow deposit is four times the application fee. The escrow deposit is used to reimburse the Village for the cost of any professional reviews and for the Board Attorney to prepare a resolution. Any portion of the escrow deposit that is not used after all charges have been paid will be refunded. If the initial escrow deposit is not sufficient to cover the Board's costs, an additional deposit will be required.

The fees and the escrow deposit must be paid at the time your application is submitted. The payment may be made in cash, by check or money order payable to the Village of Ridgewood. NOTE: THE ESCROW DEPOSIT MUST BE A SEPARATE PAYMENT FROM THE FEE PAYMENT, SINCE THE ESCROW DEPOSIT AND THE FEES ARE PLACED IN SEPARATE ACCOUNTS.

- k. Any additional documents you wish to submit in support of your application.
7. Obtain a 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 it is determined that your application is complete, you will be informed of this and instructed to proceed to Step 8 below.

If it is determined that your application is incomplete, you will be informed of the deficiencies. The deficiencies must be addressed, and the application must be reviewed again before you will be determined complete and before you may proceed to Step 8, below. If revised plans or application forms are required, submit 3 copies of the revised documents.

8. Submit the required number of copies. Once the application is determined complete, 12 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. This is to provide sufficient copies for the Board and for any Village professionals to review.
9. Determine a hearing date for your application. This must be coordinated with the Board Secretary. The date of the hearing will depend upon your availability and upon the number and/or complexity of applications already on the Board's agenda.
10. Send notice of the public hearing.
 - a. Content of notice. 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 (see item 9, above).
 - The nature of your proposal and the zoning requirements that the proposal violates (see item 2, above).
 - An identification of the property proposed for development by street address, if any, and/or by reference to the lot and block numbers as shown on the current tax duplicate in the Village 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 information is included with the sample notice form provided with your application materials.
- b. When notice must be sent. Notice of the hearing must be mailed or delivered, and published in the newspaper, at least 10 calendar days **prior** to the date of the hearing. 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.
- c. Who must be served notice.
 - (1) Notice must be published in the Ridgewood News or the Bergen Record. The applicant shall arrange this publication by calling the Ridgewood News at 800-472-0152 (press '4' for Public Notice department) or by sending an email to *publicnotices@northjersey.com*; or by calling the Bergen Record at 888-460-5322 (press '4' for Public Notice department) or by sending an email to *publicnotices@northjersey.com*. Publication deadlines for these newspapers are as follows:
 - Ridgewood News (weekly publication on Fridays): *Monday at noon*
 - Bergen Record (daily publication):
 - Monday at noon for the Thursday edition*
 - Tuesday at noon for the Friday edition*
 - Wednesday at noon for the Saturday and Sunday editions*
 - Thursday at noon for the Monday and Tuesday editions*
 - Friday at noon for the Wednesday edition*

NEWSPAPER PUBLICATION OF THE HEARING NOTICE MUST BE ARRANGED WELL IN ADVANCE OF THE HEARING DATE SO THAT PUBLICATION OCCURS AT LEAST 10 DAYS BEFORE THE HEARING.

- (2) Notice must also be sent by certified mail or hand delivery to the following:
 - (a) 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 (This will be provided by the Board Secretary after payment of the \$10 fee; see 6.f above).

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.

- (b) If the property is located within 200 feet of an adjoining municipality, the clerk of such municipality.
 - (c) 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 Bergen County Planning Board.
 - (d) If the property is adjacent to a State highway, the Commissioner of the New Jersey Department of Transportation.
11. 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:
- For hearing notice published in the newspaper, an affidavit stating the date the notice was published.
 - For hearing notice mailed to property owners and governmental agencies, the date-stamped certified mail receipts (green and white) for each address that was sent notice.
 - For hearing notice hand 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.
12. Appear at the public hearing to present your application and answer questions. At the public hearing, you and/or your attorney 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.
13. Receive the Board's decision. Following the completion of the public hearing, the Board will vote to approve or deny your application. At a later date, the Board will adopt a resolution that memorializes its decision, will mail a copy of the resolution to the applicant, and will publish its decision in the newspaper. Any interested party may appeal any decision rendered by the Board. Said appeal must be taken within forty-five days of the date the Board's decision is published.
14. Address any conditions of approval. If your application is approved, the resolution may state certain conditions that must be satisfied before you may construct the proposed improvements or initiate the proposed use. You may not obtain any construction permits or certificates of occupancy before all conditions of approval have been satisfied.

15. Submit the final plans for signature. Once all of the conditions of approval have been satisfied, or if there were no conditions of approval, submit four (4) sets of the final plans for signature by the Chairman of the Board of Adjustment. Once the plans have been signed, you will be given one set of the signed plans for your records.
16. Obtain all required permits. If your variance(s) is/are approved, and you have satisfied all conditions of approval, all required permits from the Building Department and the Engineering Department must be applied for and issued before you can start construction.
17. Expiration of variances; extensions. Please note that any variances will expire unless all permits have been applied for and issued within one year of the Board's resolution adoption, and that the variance will also expire unless construction is completed prior to expiration of the permit. Extensions of the variance approval may be requested from the Board in accordance with §190-36D.