

LAND USE “C” VARIANCES

Pursuant to statutory law in the State of New Jersey (N.J.S.A. 40:55D-70), there are two different approaches you can take when applying for and receiving a “C” variance from your municipal zoning board. The first involves showing you will suffer a “hardship” if you are not granted the variance. This hardship must relate strictly to the physical or topographic features of the property and cannot relate to any personal or financial hardship that you will suffer. Hardship as it relates to a piece of property can be shown from its:

1. Narrowness, shallowness, or irregular shape; or
2. An exceptional topographic condition; or
3. Other unique conditions or physical features affecting the property

One additional criterion must be shown for a C (1) variance to be granted. This criterion is known as the “negative criteria”. The “negative criteria” involves showing first, that the variance can be granted without causing substantial detriment to the public good and second, that the granting of a variance will not substantially impair the intent and purpose of the municipal zoning plan and ordinance. These two requirements must be shown not just for C (1) variance, but for all variances.

The other legal approach to obtaining a variance when your land does not qualify for a C (1) variance is to apply for what is known as a C (2) variance, also known as a “flexible C variance”. This application involves demonstrating to the zoning board that granting the variance will benefit the community by improving the local zoning and planning. In order to show this, one must demonstrate that:

1. The variance is needed for a specific piece of property;
2. The proposed variance advances the purposes of the Municipal Land Use Law; and
3. The benefits of the deviation from the local zoning ordinance resulting from granting the variance would substantially outweigh any detriment.

In order to be approved, all C variances require a majority vote by the local Zoning Board of Adjustment. Obtaining a majority vote and thus your C variance can be complex. Zoning Boards will require a showing of specific evidence pertaining to your property. If you are unfamiliar with the process, you may wish to seek the advice of an attorney.

In addition, you may wish to meet with the Ramsey Zoning Officer to answer questions you might have regarding your application.

TO ALL APPLICANTS APPLYING FOR VARIANCES

PLEASE READ THIS INSTRUCTION SHEET CAREFULLY BEFORE COMPLETING YOUR APPLICATION. You, the applicant, are applying for a variance to perform a modification to your property or dwelling that does not comply with Ramsey zoning codes. This instruction sheet serves to outline the basic application procedure.

1. The Board conducts regular public meeting on the third Wednesday of each month, or at such time the Board may deem necessary after giving notice as required by law. Meetings are held at 7:30 p.m. in the Council Chambers in the Municipal Building.
2. The following items must be included with the application package:
(Check should be made payable to the **Borough of Ramsey**)
 - (a) 1. Application Fees:
 - \$150.00 each variance for front, side or rear yard setback variances
 - \$150.00 each variance for building and/or impervious coverage
 - \$150.00 fence variance
 - \$250.00 sign variance
 - \$550.00 all other variances (including use variance)
 - \$250.00 for exceptions & all other matters
 2. Escrow deposit for residential applications shall be \$1,200.00
 3. Initial escrow deposit for non-residential applications shall be \$3,000.00
- (b) **Three (3)** copies of the application **(Form #1)** each accompanied by the property survey and **three (3) PROPERLY FOLDED PLANS**, showing the proposal and its dimensions. The application has to be completed in ink or prefilled and is eligible to read. The survey of the property must be sealed and prepared by a licensed surveyor of the State of New Jersey. The survey must include the following information: tax map lot and block number; dimension of the lot and all structures on it; setbacks of all existing structures and location of lot with surrounding properties. The survey must also show whatever the applicant intends to build, including dimensions and setbacks. Because the Board will base its decision upon the drawing which is submitted, any errors which are subsequently discovered may require the applicant to return to the Board. If the plan is drawn by a professional, a professional seal is required on all copies. Based on the submission of the application, the Board Engineer may request additional information.
- (c) **Three (3)** copies of the Checklist **(Form #6)** including Tax Map and Photographs.
- (d) The survey, plat or plan should locate and describe any proposed landscaping to be done in connection with the application. The location of any unusual property features should be indicated, such as flood plain, streams, wooded areas, rock outcroppings, or steep slopes. If applicable, request a tree inventory form and complete it.
If applicable, request a soil movement application and complete it.

- (e) If proposed, include a picture of the fence and/or sketch of the retaining wall with details of materials to be used.
- (f) Certification form from the Tax Collector that no taxes or assessments for local improvements are due or delinquent **(Form #2)**. This form is completed by the Tax Collector's Office, located in the Ramsey Municipal Building on the first floor, between the hours of 8:30 AM to 4:30 PM.
3. The **application package (Form #1, Form #2 and Form #6)** must be submitted to the Board Secretary along with the required fees. Once your application is deemed complete, you will then be scheduled for a public hearing. You must then submit twelve (12) copies of the completed application package.
4. After the application has been **deemed complete**, and the date for the public hearing scheduled, the applicant must obtain a list prepared by the Ramsey Tax Assessor's Office in the Municipal Building. Please contact Angela Mattiace at 201-825-3400 x248 for instructions.
You must obtain a list of names of property owners within 200 feet of the property in question. Said list shall have been certified by the Tax Atlas Search Officer within sixty (60) days of the date of hearing. You must service Notice of Hearing **(Form #3)** upon the persons and entities shown on the list prepared by the Ramsey Tax Assessor's Office. Set forth a brief but specific statement of what relief you seek, cite applicable Sections of the Ordinance (by number), their requirements and explain specifically how your request does not comply with them and the reason the Board of Adjustment should grant your request. If your property is within 200 feet of another municipality, you are responsible for obtaining the property owners' list from that town, and include them in your legal notices. **You must give proper notice to all owners of the property on the Tax Assessor's list at least ten (10) days prior to the meeting (excluding the date of the meeting).**
5. If you delivered your notices by hand, submit a **notarized** Affidavit of Service for *Hand Delivery (Form #4A)* or if you delivered your notices by certified mail, then submit an Affidavit of Service for *Certified Mail Delivery (Form #4B)*. Submission must be done, at least one (1) week prior to the meeting. Copies of the registered mail receipts must be attached to **Form #4B**.
6. All public hearings require notice in the official newspaper(s) (*see below*) **at least ten (10) days prior to the Hearing (excluding the date of the hearing) (Form #5)**. Insert the date of the hearing for which you are applying, the scheduled time of the hearing (usually it will be 7:30 pm). Set forth a brief, but specific statement of what relief you seek, cite application sections of the Ordinance (by number), their requirements and explain specifically how your request does not comply with them and the reason the Board of Adjustment should grant your request. It is the duty of the Applicant to verify with the newspaper as to the deadline time and date in the event said deadline time and date have been change; **i.e., due to legal holidays, etc.** Applicant shall publish legal notice in **ONE** of the following newspapers:

Applicant shall publish legal notice in one of the following newspapers:

1. The Ridgewood News or the Record
1-888-516-9220 (Legal Notice Department)
Fax: 1-973-905-4022 or email BERlegals@gannett.com

When calling, faxing or emailing, please indicate which paper you choose to advertise in, your full name, billing address and phone number.

7. A **notarized** Affidavit for Proof of Publication, which is supplied by the newspaper, is also required **BEFORE** the meeting date. This document must be submitted to the Board Secretary or your application cannot be heard.
8. If Site Plan or Subdivision Approval is sought, the applicant must contact the Planning Board Office for the appropriate procedures. If this application is an appeal from a building inspector's decision, you must file a copy of the application with the building inspector.
9. The applicant consents to having the members of the Zoning Board of Adjustment, individually, visit the property in question for the purpose of making themselves more familiar with the applicant's property and the variance request. The applicant should not discuss the application with an individual Board member if he/she visits the property.
10. An attorney is required for the public hearing if the applicant is a corporation. The applicant will be given the opportunity to present evidence through the form of sworn testimony and legal-admissible documentary evidence, supporting the application. The general public may also ask questions and will also be given the opportunity to make comments on the application. The applicant should be prepared to establish a factual and legal basis for the granting of the relief request. If the applicant plans to introduce any exhibits into evidence, the applicant should bring an extra copy of each exhibit, which will be marked, and kept as part of the board's file.
11. After the Board renders a decision, that decision is memorialized by the adoption of a written resolution at the next regularly scheduled meeting of the Board. Notice of the adoption of that resolution will then be published in the local newspaper. A copy of the resolution will be mailed to the applicant or attorney following its adoption.
12. Project can't start until all permits are in place.

For application questions, 201-825-3400, Ext. 261----Board Secretary

For zoning questions, 201-825-3400, Ext. 262--- Zoning Officer

The Board of Adjustment cannot process your application unless it is complete.

**BOROUGH OF RAMSEY
BERGEN COUNTY, NEW JERSEY
(FORM #1)**

Applicant _____
Application No. _____
Fee(s) Paid _____
Date Received _____

APPLICATION IS HEREBY MADE FOR: (please check one)

- ☐ Appeal from Building Officer based on or made in the enforcement of the Zoning Ordinance N.J.S.A. 40:55D-70a
- ☐ Zoning map interpretation N.J.S.A. 40:55D-70b
- ☐ Hardship variance N.J.S.A. 40:55-70c-1
- ☐ Flexible variance N.J.S.A. 40:55-70c-2
- ☐ Variance for use or principal structure N.J.S.A. 40:55D-70d-1
- ☐ Expansion of a nonconforming use N.J.S.A. 40:55D-70d-2 Deviation from standard of conditional use N.J.S.A. 40:55-70d-3

PROPERTY HISTORY:

Owner: _____
Address: _____
Telephone: _____ Email: _____

Applicant name (if other than owner): _____
Address: _____
Telephone: _____ Email: _____

Attorney: _____
Address: _____
Telephone: _____ Email: _____

Property Description:
Location: _____
Zoning district: _____ Block: _____ Lot: _____
Existing use of building or premises: _____

Is this a contract purchase? Yes ☐ No ☐

Type of variance requested: _____

The variance requested is for the purpose of: _____

Does the attached survey reflect the property, as it presently exists? Yes ☐ No ☐
If no, explain _____

Is this request connected with the simultaneous approval of another application before a Borough Board? Yes ☐ No ☐
If yes, explain _____

Have there been any previous applications before a Borough Board involving the premises:
Yes ☐ No ☐
If yes, state the date and disposition: _____

If this application is for an appeal of a decision of the Building Officer or a zoning map interpretation, explain the appeal or question: _____

APPLICANTS COMPLETE SECTION I

APPLICANT: _____ ZONE DISTRICT: _____

ZONING CALCULATIONS

	REQUIRED	EXISTING	PROPOSED	CHECK IF VARIANCE IS NEEDED
1. LOT SIZE (sq. ft.)				☐
Lot Size w/in Depth of Measurements	_____	_____	_____	☐
Frontage	_____	_____	_____	☐
Depth	_____	_____	_____	☐
2. SETBACKS				
Principal Building				
Front Yard (ft.)	_____	_____	_____	☐
Rear Yard (ft.)	_____	_____	_____	☐
Side Yard #1 (ft.)	_____	_____	_____	☐
Side Yard #2 (ft.)	_____	_____	_____	☐
*Accessory Structure(s)				
(detached garage, shed, pool, etc.)				
Rear Yard (ft.)	_____	_____	_____	☐
Side Yard (ft.)	_____	_____	_____	☐
<i>*ALL ACCESSORY STRUCTURE SETBACKS SHALL BE INDICATED ON SURVEY</i>				
3. BUILDING AREAS (footprint)				
Principal Building (sq.ft.)	_____	_____	_____	
Principal Building (%)	_____	_____	_____	
Accessory Structures (sq.ft.)	_____	_____	_____	
Accessory Structures (%)	_____	_____	_____	
4. MAXIMUM BUILDING COVERAGE	_____	_____	_____	☐
5. LIVING SPACE (Total sq.ft.)				
First Floor	_____	_____	_____	☐
Second Floor	_____	_____	_____	☐
Total Living Space	_____	_____	_____	☐

	EXISTING	PROPOSED	REQUIRED	CHECK IF VARIANCE IS NEEDED
6. BUILDING HEIGHT * (ft.) 35 max.	_____	_____	_____	☐
Number of stories	_____	_____	_____	☐

*Height to be measured from the lowest point of the ground 10' from the foundation of the structure to the highest point of the roof.

7. MAXIMUM IMPERVIOUS COVERAGE

Structure/Buildings (sq.ft.)	_____	_____	_____	
Driveways (paved or gravel)	_____	_____	_____	
Patios and/or paved areas	_____	_____	_____	
Walkways and brick pavers	_____	_____	_____	
Swimming Pool Water Service	_____	_____	_____	
 TOTAL IMPERVIOUS COVERAGE	 _____	 _____	 _____	 ☐
TOTAL IMPERVIOUS COVERAGE (%)	_____	_____	_____	

OTHER REQUIREMENTS

1. PARKING: Spaces required _____ provided _____
Actual area to be utilized (each floor): _____

Comments: _____

Buffer required: _____
Buffer provided: _____
Comments: _____

2. SIGN:
Dimensions: _____
Height: _____
Location: _____
Lighting: _____
3. FENCE:
Height: _____
Style: _____
Location: _____

IF APPLICATION IS FOR A HARDSHIP OR FLEXIBLE VARIANCE, COMPLETE SECTION K

1. How will the benefits of the proposed application outweigh any detriments? _____

2. What are the exceptional circumstances or conditions applicable to the property involved or to the intended use of development of the property that do not apply generally to other properties in the same zone or neighborhood? _____

3. Explain what efforts have been made by the applicant to acquire adjoining lands so as to reduce the extent of the variances or eliminate such? _____

4. State how the proposed variance:

a. Will not cause substantial detriment to the public good. _____

b. Will not substantially impair the intent and purpose of the zoning plan and ordinance. _____

IF APPLICATION IS FOR A USE VARIANCE, COMPLETE SECTION L

1. Explain how the proposed use can be granted without substantial detriment to the public good or how the proposed use would tend to minimize the discordant effect of the use, be less harmful to adjacent properties or tend to bring the use into closer conformity with the zoning ordinance.

2. Explain how the proposed use can be granted without substantially impairing the intent and purpose of the zoning plan and the zoning ordinance.

3. List any "special reasons" related to the request. _____

4. List any "hardship" related to the nature of the land and/or the neighborhood, which prevents reasonable utilization of the property for any permitted use.

Signature of Applicant: _____

Signature of Owner: _____

Date of Application: _____

APPLICATION SUPPLEMENT

PURPOSE OF APPLICATION-EXPLAIN IN DETAIL THE EXISTING AND PROPOSED USES AND PHYSICAL IMPROVEMENTS PROPOSED.

THIS IS TO CERTIFY THAT I HAVE REVIEWED THE PROPER SECTIONS OF THE ZONING ORDINANCE AND THAT THE ATTACHED APPLICATION AND PLANS ARE COMPLETE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT IF OBVIOUS OMISSIONS ARE DISCOVERED, THE APPLICATION WILL BE RETURNED WITHOUT COMMENT.

DATE _____

APPLICANT _____

BOROUGH OF RAMSEY
PROOF OF PAYMENT OF TAXES (FORM #2)

☐ **PLANNING BOARD**

☐ **BOARD OF ADJUSTMENT**

Statute 40:55-1.14-Regulation of Subdivisions

"Any such ordinance may require as a condition for local municipal approval the submission of proof that no taxes or assessments for local improvements are due or delinquent on the property for which any subdivision application is made."

Block _____ Lot _____ Qualifier _____

Name _____

Date _____

Property Taxes are: _____ current _____ Delinquent

Municipal Water/Sewer are: _____ current _____ Delinquent

Date: _____

Tax Collector's Office/Clerk

This form must be submitted together with all pertinent forms for your application to be considered.

The Tax Collector's Office is located on the first floor in the Municipal Building.

NOTICE OF HEARING (FORM #3)
(to property owners within 200 ft.)

This notice is given to you because you are the owner within 200 feet of the premises which are the subject of an application to the Board of Adjustment. You may attend the hearing and comment on this application.

In The Matter of:

Applicant's Name: _____

Please Take Notice that the undersigned hereby appeals to the Board of Adjustment from the order of

Or

_____ (insert the word "directly" if this application is made directly to the Board of Adjustment without any action having been taken by any other Officer or Board).

On the grounds that _____

Property Location:

Block: _____

Lot(s): _____

Street Address: _____

Zone: _____

A hearing is scheduled on this application at the Borough Hall, Ramsey, NJ on
_____ at 7:30 PM.

Applicant will seek any other variances, waivers or exceptions that are deemed to be necessary in connection with this Application. Plans are available for review in the Ramsey Borough Hall, 33 N. Central Ave. 2nd floor, Engineering Department between 8:30 AM to 4:30 PM Monday thru Friday.

Applicant's or Applicant's Attorney Name

(Print)

**BOROUGH OF RAMSEY
BOARD OF ADJUSTMENT**

AFFIDAVIT OF SERVICE (FORM #4A)

In The Matter of _____
(Name of Applicant)

(Address of Subject Property)

I, _____, being duly sworn, deposes and says:

I reside at _____ and
on or before the _____ day of _____, 20____, I served upon
each of the persons named in the three succeeding paragraphs hereof a written notice stating that this
appeal would be heard at Borough Hall, Ramsey, N.J. on _____, 20____,
and that the appeal related to premises located at _____

This notice was served on the following property owners by handing it to each of them personally:

This notice was served to the following property owners by leaving it at their usual place of abode with a
member of the household at least 18 years of age:

No person other than those served, as set forth in the preceding paragraphs of this affidavit, is the owner of
the property within 200 feet of the premises affected by this appeal.

Subscribed and sworn to before
me on this _____ day of
_____, 20____.

(Signature of Server)

Notary Public of New Jersey

**BOROUGH OF RAMSEY
BOARD OF ADJUSTMENT**

AFFIDAVIT OF SERVICE (FORM #4B)

In The Matter of _____

(Name of Applicant)

(Address of Subject Property)

I, _____, being duly sworn, deposes and says:

On _____, I served by posting by certified mail, upon each of the persons named on the **ATTACHED** list, a written notice stating that this application would be heard in the Council Chambers, Ramsey Municipal Building, 33 North Central Avenue, Ramsey, New Jersey on _____ at 7:30 PM.

The notice was served by certified letter, directed to the property owners within 200 feet of the subject site and also to public utility companies at the addresses furnished by the Tax Assessor's office of the Borough of Ramsey, New Jersey.

See attached list.

Signature

Print Name: _____

Subscribed and sworn to before
me on this _____ day
of _____, 20_.

Notary Public of New Jersey

NOTICE OF HEARING TO THE NEWSPAPER (FORM #5)

**LEGAL NOTICE
Notice of Public Hearing
Borough of Ramsey
Zoning Board of Adjustment**

PLEASE TAKE NOTICE that the Zoning Board of Adjustment of the Borough of Ramsey will conduct a Public Hearing on _____ at _____ or as soon thereafter as the matter
(Month) (Day) (Year) (Time)
may be reached, at the Council Chambers in the Municipal Building, 33 North Central Avenue, Ramsey, New Jersey.

The subject matter to be considered will be a land use application of

(Applicant's Name) _____

(Address) _____

(hereinafter referred to as the "Applicant").

The location of the subject property is _____

and is shown on the Tax Map of the Borough of Ramsey as Block _____ Lot _____

(hereinafter referred to as the "Property").

The Applicant is proposing

The Applicant seeks the following variance relief

Applicant will seek any other variances, waivers or exceptions that are deemed to be necessary in connection with this Application.

The Application and supporting materials are on file on file in the Board of Adjustment office and is available for inspection during regular business hours.

CHECKLIST (FORM #6)

This checklist is provided to ensure that you or your attorney is prepared for your hearing and that your application is complete. All items should be supplied to the extent that they are applicable to the specific application. If information is insufficient or missing, the Board may deem your application incomplete and adjourn your hearing until it receives all necessary documentation.

I. PROVIDE AN ACCURATE SURVEY FOR THE PROPERTY IN QUESTION WHICH CONTAINS THE FOLLOWING INFORMATION:

- ☐ 1. Footprint of existing buildings or structures.
- ☐ 2. Precise distances from all property lines to closest point of principal building including steps, deck or other extensions of the building.
- ☐ 3. The location and precise distances of accessory buildings, such as garages and sheds, to property lines and the principal building or structure.
- ☐ 4. The location and dimensions of steps, patios, driveways, decks, pools and all other improved impervious areas and their precise distances to nearest property line and structures.
- ☐ 5. An accurate depiction of the proposed construction or alteration including the information requested in 1, 2, 3 and 4 above.
- ☐ 6. The precise distances from all property lines to the closest point of the proposed construction.
- ☐ 7. Existing and proposed building coverage and impervious coverage.

II. AN ENLARGED TAX MAP DEPICTING PROPERTY IN QUESTION AND ITS RELATIONSHIP TO NEIGHBORING PROPERTIES:

- ☐ 1. All dimensions of existing building or structure.
- ☐ 2. All dimensions of proposed building or structure; including living area of first and second floor excluding attics, basements and garage.
- ☐ 3. Height of existing building or structure.*
- ☐ 4. Height of proposed building or structure. *(height to be measured from lowest point of the ground that abuts the foundation of the structure to the highest point on the roof.)
- ☐ 5. Front, rear, and side elevations of the proposed structure.

III. PHOTOGRAPHS:

- ☐ 1. Photographs of the property in question and existing improvements may be helpful to the Board in presenting your information.
- ☐ 2. Photographs of views from the existing building or structure to neighboring properties and buildings which show existing plantings or other buffers are also helpful and may be requested by the Board.

(All photographs should be taken by your or someone who can testify to the Board as to when they were taken and that the photographs represent an accurate depiction of what they saw at the time.)

IV. LANDSCAPING AND LAND FEATURES:

- ☐ 1. The survey, plat or plan should locate and describe any proposed landscaping to be done in connection with the application.
- ☐ 2. The location of any unusual property features should be indicated, such as flood plain, streams, wooded areas, rock outcroppings, or steep slopes.

V. FENCES AND RETAINING WALLS:

- ☐ 1. Picture of proposed fence and/or sketch of wall with details of materials to be used.