



BOROUGH of ROSELAND

ESSEX COUNTY - NEW JERSEY

DEPARTMENT OF PUBLIC WORKS SERVICES
AND CONSTRUCTION CODE ENFORCEMENT

300 EAGLE ROCK AVENUE 07068
(973) 226-6565
FAX: (973) 226-8520

BOARD OF ADJUSTMENT

INSTRUCTIONS

To request a *variance* from the Zoning Board of Adjustment, you must submit an application (attached here). A copy of the Zoning Officer's letter denying you a zoning permit must be attached to your application. 12 copies of each are required.

The Land Development Ordinance of the Borough of Roseland ("the Ordinance") has a fee schedule for various types of applications. Once your application is submitted to the Board, you will be notified of the fee required for your application.

In your application, you must describe what the Ordinance requires (e.g. a 50' rear yard setback) and what you are proposing (e.g. construction of a deck creating a 47' rear yard setback). [This example of a dimensional or "bulk" variance is typical of most variance requests; it is a "hardship variance." (See pg. 2)]. The Zoning Officer's letter of denial should be helpful in this regard because it will state the reason you were denied a zoning permit, and it will describe what the Ordinance requires and how your proposal varies from that requirement.

If you do not own the property that is the subject of your application, you must submit the consent of all owners of the property (see Application form), and a contract for the purchase of the property or other proof of your interest in it.

All municipal taxes on the property that is the subject of your application must be current, and you must submit proof that they are current. This proof is available through the Department of Public Works located at 300 Eagle Rock Avenue. 12 copies must be submitted with your application.

You must submit 12 copies of a list of property owners within a 200-foot radius of your property. This information is also available from the Department of Public Works, located at 300 Eagle Rock Avenue and can be obtained upon payment of a \$10.00 fee to the Borough of Roseland. You will be asked to make your request in writing, stating the reason for it – i.e. you are making an application to the Zoning Board of Adjustment.

You must submit a survey of your property showing lot and block numbers, dimensions of proposed and existing structures, location of all proposed and existing structures and their distance to the property lines and to the other structures on the property. 12 copies are required.

You must submit 12 copies of your building plans to the Board.

If you plan to introduce an expert witness at the hearing who will testify on your behalf (a planner, for example), a written report from that expert must be submitted to the Board at least ten (10) days before the scheduled public hearing in accordance with Section 30-603.5(e) of the Ordinance.

You must mark out the area of the property where you propose to locate the new development. This should be to scale and can be done using string, spray paint or some other suitable material that will enable Board members to recognize the area in question when they visit your property. Leave the marking up until after your public hearing.

Photographs depicting the marked out area of development must be submitted to the Board. 12 copies of each photo should be submitted. Also, you must sign and submit 12 copies of the Board's Site Authorization form (attached here).

*Once you have 12 copies of all the required documents, **collate** them into sets, each set having one copy of each document.*

If your application is for a use variance, a subdivision or site plan approval, you also must submit the appropriate application for the relief request. If you are appealing the decision of the Zoning Officer, or are seeking an interpretation of the Zoning Map or Zoning Ordinance, please contact the Board before filing your application.

These instructions are for your guidance in filing for a *variance*. You also should refer to the New Jersey Municipal Land Use Act N.J.S. 40:55D-1 *et seq.* and the provisions of the Borough's zoning ordinance. For example, if you are applying for a "hardship variance," you will be required to show that:

a.) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or b.) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or c.) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of [the Ordinance] would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship [to you]. N.J.S. 40:55D-70(c)(1).

Alternatively, you can show that:

the purpose of [the Municipal Land Use Act] would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriments. N.J.S. 40:55D-70(c)(2).

In either case, "no variance or other relief may be granted...without a showing that such variance or other relief can be granted without substantial detriments to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance." N.J.S. 40:55D-70.

After you submit the required 12 sets of documents to the Board at its address above, you will be advised whether your application is in order or if any documents are missing. Once it is in order, you will receive a letter from the Board advising you of the date of the public hearing on your variance application. To complete your application, at least 10 days before the date of your public hearing (not counting the hearing date), you must notify property owners of your application and publish notice in one of two newspapers officially recognized by the Board. Instructions for this final aspect of your application will be included with the Board's correspondence advising you of the date of your hearing.

*****PLEASE PROVIDE A TELEPHONE CONTACT NUMBER WHEN YOU SUBMIT
YOUR PAPERWORK TO THE BOARD*****

If you have any questions, you may reach the Board at 973-226-6565.

SUBMITTAL CHECKLIST

12 copies	Zoning Officer's Denial Letter
12 copies	Application for Development
12 copies	List of Property Owners
12 copies	Tax Map in Area of Your Property
12 copies	Proof Real Estate Taxes are Current
12 copies	Site Authorization
12 copies	Survey Plan (Marked up as described in the instructions)
12 copies	Building Plans (All blue prints must be folded to 8 ½ x 11)
12 copies	Photos depicting area of development
12 copies	Body of letter sent to property owners within 200 feet

**BOROUGH OF ROSELAND
ZONING BOARD OF ADJUSTMENT**

APPLICATION FOR DEVELOPMENT

The Applicant(s), _____,

residing at _____

hereby applies for a *variance* from the strict terms of the Land Development Ordinance of
the Borough of Roseland, Section(s) _____.

Applicant is the _____ of the subject property. *

(Owner, contract purchaser, lessee)

Street Address of Proposed Development: _____

Block No. _____ Lot No. _____

Seeking to construct/install: _____

The Ordinance requires/permits: _____

Applicant seeks relief from the Land Development Ordinance as follows: _____

This is a _____ *variance* application.
(Hardship or use variance)

Dated: _____

* If Applicant is not the Owner of the property, complete the following:

I am the owner of property located at _____ and
known as Lot(s) _____ in Block _____ on the Tax Map of the Borough of Roseland. I
hereby authorize _____ to make the within
application.

**BOROUGH OF ROSELAND
ZONING BOARD OF ADJUSTMENT**

NOTICE TO PROPERTY OWNERS

Dear _____

As provided by law, you are hereby notified that on _____,
the Zoning Board of Adjustment of the Borough of Roseland will hold a public hearing at
7:30 p.m. in the Borough Hall, 19 Harrison Avenue, Roseland, New Jersey, on the
application of the undersigned for a variance(s) from the Borough's Land Development
Ordinance ("LDO") because the Zoning Officer refused to issue a zoning permit.

The property that is the subject of this application is located at _____
_____, Roseland, NJ and is shown as Lot _____ in
Block _____ on the Tax Map of the Borough of Roseland. The property is owned by
_____.

Seeking to _____.

A variance(s) is requested from Section(s) _____ of
the LDO. The LDO requires/permits a _____

_____.

whereas the undersigned proposes _____

_____.

All documents related to this application are available for public inspection at the
Zoning Department, 300 Eagle Rock Avenue, Roseland, NJ weekdays between the hours
of 8:30 a.m. and 4:30 p.m. At the hearing all interested parties will be given an
opportunity to be heard.

Very truly yours,

Dated: _____



BOROUGH of ROSELAND

ESSEX COUNTY - NEW JERSEY

BOARD OF ADJUSTMENT
973-403-6050

300 EAGLE ROCK AVENUE 07068
226-6565

To:

The public hearing on your _____ application is scheduled for _____ . The fee for your application is _____ . Please issue a check payable to the "Borough of Roseland" and deliver it to the Board at 300 Eagle Rock Avenue at least 10 days before this hearing date.

NOTICE To complete your application, at least 10 days before this hearing date you must give Notice of your application to all property owners within a 200 foot radius of your property, including any adjacent municipality or county. Do not count the day of the hearing in the ten (10 day period. Notice must be served upon the property owners by certified mail, return receipt requested, or by personal service with a signed receipt from the property owner acknowledging delivery. As mentioned in the initial Instructions, a list of owners can be obtained from the Department of Public Works upon payment of a \$10.00 fee.

In addition you must serve Notice upon the Essex County Planning Board if your application involves property within 200 feet of a County road or County property. If your property adjoins another municipality, you must notify the Clerk of that municipality and secure a list of property owners within that municipality that are within a 200 foot radius of your property. If your property fronts a State Highway, you must also notify the New Jersey Commissioner of Transportation.

Your Notice must specifically state the requirements and/or regulations from which relief is being sought and the extent to which relief is requested, in accordance with Section 30-603.5(e) of the Ordinance. A proposed form of Notice is attached.

PUBLICATION At least 10 days before your hearing date, you also must give Public Notice of your application by publishing notice in one of the two publications

officially recognized by the Board – The Progress or the Star Ledger. Your Public Notice must appear in an issue of the newspaper printed at least 10 days before your hearing date. Do not count the day of the hearing in the ten (10 day period. Your Public Notice must specifically state the requirements and/or regulations from which relief is being sought and the extent to which relief is requested, in accordance with Section 30-603.5(e) of the Ordinance. A proposed form of Publication is attached.

AFFIDAVIT OF SERVICE AND PUBLICATION After you give Notice to property owners within a 200 foot radius and publish in one of the two newspapers, you must file an Affidavit of Service and Publication with the Board. A proposed Affidavit of Service form is attached. Please complete it, attach a specimen copy of the letter you served on property owners and have your signature notarized.

For Notices sent by mail, you must attach to your Affidavit the green and white receipts the Post Office stamped with the date of mailing. If you personally served Notice on property owners, you must attach each owner's signature as evidence of their receipt of your hand delivered Notice.

You must secure a Proof of Publication from the newspaper and attach it to your Affidavit of Service. Your Affidavit of Service and Publication must be filed with the Board at least 7 days before your public hearing.

***** If you do not give proper Notice to all owners within 200 feet and/or fail to publish in 1 of the 2 newspapers in a timely fashion, the Board cannot hear your application. Under the Municipal Land Use Act, giving proper and timely Notice and Publication are prerequisites for the Board to consider your application. Failure to give proper and timely Notice and Publication will result in a delay of your hearing date, and you will have to re-Notice and re-Publish for the new date. *****

If you have any questions, you may reach the Board at 973-403-6050.

**BOROUGH OF ROSELAND
ZONING BOARD OF ADJUSTMENT**

LEGAL NOTICE

PLEASE TAKE NOTICE, on _____, the
Roseland Zoning Board of Adjustment will hold a public hearing at 7:30 p.m. in the
Roseland Borough Hall, 19 Harrison Avenue, Roseland, NJ for the following application:

Name: _____

Property Address: _____

Block _____, Lot _____ Zone District _____

Seeking to _____ Relief
is being sought from Section(s) _____
_____ of the zoning ordinance. The
ordinance requires/permits a _____

_____ ,
whereas the undersigned proposes _____

All documents related to this application are available for public inspection at the
Zoning Department, 300 Eagle Rock Avenue, Roseland, NJ weekdays between the hours
of 8:30 a.m. and 4:30 p.m. At the hearing all interested parties will be given an
opportunity to be heard.

Name _____

**BOROUGH OF ROSELAND
ZONING BOARD OF ADJUSTMENT**

AFFIDAVIT OF SERVICE and PUBLICATION

STATE of NEW JERSEY)
COUNTY of ESSEX) SS

_____, of legal age and to me known, being duly sworn, deposes and says that he/she resides at _____, in the Borough or Town of _____; that he/she served Notices of the public hearing to be held by the Roseland Board of Adjustment on _____, at _____ p.m. in the Borough Hall, Roseland, New Jersey upon all the property owners appearing on the attached list; that the Notices, a copy of which is attached, were served not less than ten (10) days prior to the scheduled hearing date; and that all of the persons on the attached list, comprising all the property owners located within two hundred (200) feet in every direction of the property located at _____ and to be affected by this application, have been notified as required by law.

Affiant further states that he/she also published Notice of the public hearing in the official newspaper of the Borough of Roseland as required by law. A copy of the Proof of Publication of the Notice in the official newspaper is attached.

SWORN TO and SUBSCRIBED BEFORE ME

This day of in the Year 20

Notary Public

NOTE: List separately with the address those persons served personally and those served by registered mail, attaching stamped receipts from the Post Office.

BOROUGH OF ROSELAND
BOARD OF ADJUSTMENT
SITE INSPECTION AUTHORIZATION

I hereby give permission for the Borough of Roseland
Municipal Agencies and their agents to come upon and inspect
these premises with respect to an application for a _____

located at _____

Block , Lot

Zone District

Signature: _____

Date: _____