

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
APPLICATION FOR VARIANCE OR APPEAL**

1. APPLICATION: #OF COPIES TO BE SUBMITTED

Application Package Contents:

- | | |
|---|----------------|
| a. Application for Variance or Appeal | 12 (Pgs. 7-10) |
| b. Notice to be served within 200 feet | 1 (Pgs. 11-12) |
| c. Proof of Service of Notice | 1 (Pg. 13) |
| d. Schedule of Proof of Notice | 1 (Pg. 14) |
| e. Notice of Hearing for Publication | 1 (Pg. 15) |
| f. Affidavit (if more than 1 owner) | 1 (Pgs. 16-17) |
| g. Escrow agreement | 1 (Pg. 18) |
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 | |
| 2. PLOT PLAN/SURVEY | 12 |
|
 | |
| 3. PROOF THAT TAXES ARE NOT DELINQUENT
(obtain from Tax Collector) | 1 |
|
 | |
| 4. NOTICE TO COUNTY PLANNING BOARD
(if land adjacent to County Road) | 1 |
|
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| 5. NOTICE TO STATE OF NEW JERSEY
(if land adjacent to State highway) | 1 |
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| 6. BRIEF DESCRIPTION OF PROPERTY AND CON-
CISE STATEMENT OF THE VARIANCE REQUESTED | 12 |
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| 7. APPLICATION FEE OF \$50.00 (non-refundable) | |
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 | |
| 8. ESCROW FEE OF \$200.00 AND SIGNED ESCROW AGREEMENT | |
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| 9. IF APPLICANT IS A CORPORATION OR A PARTNERSHIP,
PLEASE ATTACH A LIST OF THE NAMES AND ADDRESSES OF
PERSONS HAVING A 10% INTEREST OR MORE IN THE CORP-
ORATION OR PARTNERSHIP. | |

NOTE: If site plan, subdivision or conditional use approvals are needed in conjunction with an application for use variance, please file the appropriate applications and submit with this variance application.

**INSTRUCTIONS FOR APPEAL
or
APPLICATION TO THE WESTAMPTON TOWNSHIP
LAND DEVELOPMENT BOARD**

1. Appeal or Application to the Land Development Board must be initiated by the completion and filing of twelve (12) copies of the form “Application for Variance or Appeal” as approved from time to time by the Board. Those papers shall be filed with the Secretary of the Board no later than three (3) weeks prior to the hearing date. The Board conducts its regular meetings on the first Wednesday of each month at 7:30 P.M. and unless otherwise ordered by the Board, public hearings for appeals and applications shall be heard at regular meetings.

2. All pertinent information called for by the application must be supplied. Fees as required by Ordinance shall be submitted with the application. A schedule of said fees is attached hereto. Upon submission, applications shall be accompanied by twelve (12) copies of a certified survey of the property to be considered. The survey shall set for the location of existing buildings and include front, side and rear yard dimensions. If a new building or buildings are involved in the application, twelve (12) copies of a plot plan, clearly indicating such buildings thereon as well as front, side and rear yard dimensions shall be submitted with the application. Proof that taxes or assessments are not delinquent with respect to the subject property must be submitted with the application. A statement from the Tax Collector of the Township shall be submitted. In the event taxes or assessments are delinquent and the Board decides to grant a variance, such relief shall be conditioned upon the payment of the delinquencies.

3. State law requires that Notice of the Public Hearings is to be served by the applicant at least (10) days prior to the hearing upon the following:

a. “All owners of property situate within or without the municipality, as shown by the most recent tax lists of the municipality or municipalities, whose property or properties as shown by said lists are located within 200 feet of the property to be affected by said appeal.” Method of Service of Written Notice: Notice shall be sent by certified mail to those property owners to the last known address of the owners as shown by the most recent tax list of the municipality, or by handing a copy thereof to the property owner or his agent in charge of the property. Notice to property owners if a condominium association or horizontal property regime is satisfied by notice to the association in the case any unit owner has a unit above or below it; and to a regime in the case any co-owner whose apartment has one above or below it.

b. The Clerk of an adjoining municipality involving property situated within 200 feet of that adjoining municipality. Method of Service of Written Notice: Notice shall be sent by certified mail to the Clerk of the adjoining municipality.

c. The Burlington County Planning Board, where the land involved is adjacent to a county road or proposed road shown on the official County Map or Master Plan; adjoins other county land; within 200 feet of a municipal boundary (b, above). Method of Service Written Notice: Notice shall be sent by certified mail to the county planning board.

d. The Commissioner of Transportation, State of New Jersey, when the land involved is adjacent to a State highway. Method of Service of Written Notice: Notice shall be by personal service or certified mail to the Commissioner.

e. Director of the Division of State and Regional Planning, New Jersey Department of Community Affairs, when the application involves development of documents required to be filed with Board. Method Of Service of Written Notice: Notice shall be by personal service or certified mail to the Director.

f. The notices to be furnished and served by the applicant as outlined in Instruction #3 shall contain a brief description of the property involved, its location, a concise statement of the variance or relief requested and the date, time and place of such hearing. The notice shall also state that the documents are filed for public inspection. This Board has adopted a form of "Notice" which shall be used.

g. Applicants are advised that certified lists of property owners within 200 feet can be obtained from the Township Tax Assessor upon written request and payment of a fee of \$10.00. The Tax Assessor is obliged to furnish the list within seven days after receipt of the request. However, applicants should understand that they must determine what public agencies must also receive notices according to law and as set forth in the instructions above.

4. Publication of Notice of the Hearing shall be provided for by the applicant who shall use the form adopted by the Board and annexed hereto. The notice to be published shall contain the same basic information as set forth in 3f. The notice must be published ten (10) days prior to the hearing. The notice shall be published in the Burlington County Times.

5. The applicant to the Land Develop Board "shall by affidavit present satisfactory proof to said Land Development Board at the time of the hearing that said notices have been duly served as aforesaid." A form of Affidavit and Schedule has been adopted by the Board which may be used. Although State law does not require the Proof of Service to be submitted until the hearing date, applicants are encouraged to submit them with their applications if possible. Proof of Publication of Notice shall also be submitted at the time of the hearing or prior thereto.

6. It is emphasized that the above requirements (paragraphs 1-5) must be complied with, otherwise, this Board cannot hear the application. Failure to comply with these instructions will delay the hearing of the appeal or application.

7. In the event an application is on appeal from a decision of the Township Zoning Officer or Building Inspector, the same notice required to be served upon adjoining property owners must be served upon the Zoning Officer or Building Inspector. Proof of such service must also be submitted.

8. Any person who applies to the Board for relief from the Zoning Ordinance must have a legal interest in the property which is the subject of the application. The applicant may appear in his own behalf, but corporations are required to be represented by an attorney at law of the State of New Jersey.

9. The Land Development Board has 120 days to act after the submission of a "complete" application, otherwise, it is deemed to be approved. If the application is complete upon receipt, the Secretary of the Board shall certify the same and advise the applicant. If the application is incomplete, the Secretary shall, in writing, inform the applicant why it is incomplete. The time for the Board to act will not commence until a complete application is received and certified as such.

10. In the event an applicant also requests site plan, subdivision or conditional use approvals, in conjunction with an application for a use variance, all application forms and information required by the Township Land Development Board shall be submitted. All fees required for such applications shall be submitted.

11. In the event an applicant who has been granted a use variance, subsequently requests site plan, subdivision or conditional use approvals, the requirements of paragraph 10. above shall be met. The time for the Board to act shall be as otherwise provided by law.

12. If the application is for a variance to construct a multiple dwelling of 25 or more family units, a site plan to be used for commercial purposes or a Subdivision of land into six or more lots, an affidavit of ownership shall be filed indicating individuals owning ten percent or more of the business entity.

13. The Secretary of the Board shall publish a notice of decision for each application acted upon by the Board. Appeals from any final decision of the Planning Board may be taken to the Township Committee, provided such an appeal shall be made within ten days of the date of publication of the decision of the Board.

14. The following forms attached hereto are hereby adopted by the Westampton Township Land Development Board:

- a. Application for Variance (pgs. 7-10)**
- b. Notice to be Served Upon Property Owners or Public Agency (pgs. 11-12)**

- c. Affidavit for Proof of Service of Notice (pg. 13)
- d. Schedule to be Attached to Proof of Service (pg. 14)
- e. Notice of Hearing for Publication (pg. 15)
- f. Affidavit of Corporation or Partnership (pg. 16-17)
- g. Escrow Agreement (pg. 18)

FEES FOR VARIANCE

Application Fee (non-refundable):	\$50.00
Escrow Fee:	\$200.00
200 Foot Listing (to be obtained from Tax Assessor)	\$10.00

****NOTE: All Fees must be on separate checks.**

Applicants are advised to obtain a 200 foot list from the Assessor as soon as possible when starting the process of applying for a variance, since this is the step that can take a bit of time. Please remember that both certified mailed notice and notice published in the Burlington County Times MUST be made AT LEAST 10 days before the scheduled hearing date, otherwise the Board cannot hear the application.

DATE FILED: _____ (for office use only)

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
APPLICATION FOR VARIANCE OR APPEAL**

To the Westampton Township Land Development Board:

The petition of _____,
who resides at _____,
respectfully shows:

1. A variance is requested with respect to land designated on the Westampton Township Tax Map as Block _____, Lot(s) _____.
2. The property is located _____
_____ Phone # _____ in
a _____ zone district, the street number is _____.
- 2a. A variance is sought from Section(s) _____
_____ of the Zoning Ordinance to permit

_____.
- 2b. Applicant appeals from the decision of _____
_____ on _____, based upon
Sections _____ of the Zoning Ordinance
for the reasons outlined on paragraph 9.
3. _____, who resides at
_____, is
the present owner of the property. Applicant's interest in the property is

_____.
4. No variance, conditional use, or special permit has ever been granted
with respect to this property, except _____
_____.

5. The last previous use or occupancy of the property was by _____
 _____,
 who used the property for _____
 _____.
6. The dimensions of the property are _____,
 a. Frontage: _____ b. Depth: _____
 The total area of the property is _____.
7. The property is now occupied by (a) building(s). Said building(s)
 occupy _____% of the lot(s) as nearly as can be determined. The height
 of said building(s) is _____ feet and _____ stories. (Please give the
 maximum if more than one building.) The setback from the nearest
 street is _____ feet.
8. The percentage of coverage, height and setback of the proposed
 building(s) are _____
 _____.
9. The petitioner advances the following reasons why the application
 should be approved:
- 9a. Describe how the proposed variances would promote the public welfare:

 _____.
- 9b. Demonstrate that the proposed variance would do no substantial
 damage to the Westampton Township Plan: _____

 _____.
- 9c. Provide details of the future use of the property and structures if the
 variance is granted: _____

 _____.
- 9d. Describe any changes in traffic and/or parking patterns: _____

 _____.

9e. Describe impact on neighbors if variance is granted for use described in 9c: _____

_____.

10. Twelve (12) copies of each of a certified survey/plot plan; one copy of proof of publication, proof of service of notice, or such of them as are required by the Board are submitted herewith.

**11. Proof that taxes and assessments upon the property are not delinquent
Is attached hereto.**

Applicant

STATE OF _____ :

ss.

COUNTY OF _____ :

_____, of full age, being duly sworn according to law on his/her oath deposes and says:

I am the applicant named in the foregoing application and on my oath declare that each and every allegation therein contained is true.

Applicant

Sworn to and Subscribed :
before me this day :
of , 20 .

Notary Public of

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
NOTICE TO BE SERVED ON EACH PROPERTY OWNER WITHIN
200 FEET OF THE PROPERTY OR PUBLIC AGENCY AS REQUIRED**

TO: _____

OWNER OF PREMISES: _____

_____ **BLOCK** _____ **LOT** _____

PLEASE TAKE NOTICE:

The undersigned has applied to the Land Development Board of Westampton Township for a variance from the terms of the Zoning Ordinance to permit ** _____

_____ on the premises of _____

_____. The property involved is located at _____ and is designated as

Block _____ Lot _____ on the Westampton Township Tax Map. A public hearing has been scheduled for _____, 20____, at _____ in the Municipal Building, 710 Rancocas Road, Westampton, NJ, at which time you may appear either in person or by an agent, or attorney, and present any objection which you may have to the granting of this application.

All documentation relating to this application may be inspected by the public during normal business hours at the Westampton Municipal Building.

Notice is sent to you by the applicant because the subject property is within 200 feet of your property or is otherwise required by law.

Applicant

** If the application also requests subdivision, site plan, or Conditional use approvals, it should be so indicated.

NOTICE OF HEARING FOR PUBLICATION

PLEASE TAKE NOTICE THAT _____ has applied for a variance from Section _____ of the Westampton Township Zoning Ordinance to permit _____

With respect to land and premises designated on the Westampton Township Tax Map as Block _____, Lot _____, and further designated as _____. Although no other variances, waivers or other approvals are requested at this time, further review of the application by applicant and Westampton Township may reveal the need for additional variances, waivers or other approvals. This notice, therefore, shall serve as notice that applicant will also seek any other variances, approvals or other waivers deemed necessary.

This application shall be heard at the regular meeting of the Westampton Township Land Development Board, on _____, 20____, at 7:30pm in the Westampton Township Municipal Building, 710 Rancocas Road, Westampton, New Jersey.

All documents relating to this application may be inspected by the public during normal business hours in the Westampton Township Municipal Building, 710 Rancocas Road, Westampton, New Jersey.

Applicant

Applicant Information Only:

This form is for Public Notice to be filed and paid for by the applicant in the official newspaper of Westampton Township (the Burlington County Times) for publication at least ten (10) days prior to the hearing date.

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

AFFIDAVIT

STATE OF :

SS.

COUNTY OF :

_____, of full age, being duly sworn according to law, upon his oath deposes and says:

1. I am _____ (Title, i.e., Secretary, President, a Partner) in the firm of _____, a corporation/partnership with principal offices at _____.

The State of incorporation is _____ (if a corporation).

2. I am duly authorized by _____ to make this statement under oath in order to comply with the laws of the State of New Jersey a required by P.L..1977, Chapter 336, with respect to an application for development filed or to be filed with the Westampton Township Land Development Board _____

(insert: a. "to subdivide a parcel of land into six or more lots;" and/or b. "for a variance to construct a multiple dwelling of 25 or more family units;" and/or "for approval of a site to be used for commercial purposes"). The applicant in this matter is _____.

3. I further state to my own personal knowledge that the following list of persons own 10% or more of the stock of any class of stock of the corporation or 10% or more of the interest in the partnership:

NAME

ADDRESS

Signature

NAME OF DEPONENT (type/print)

POSITION OR TITLE

**Sworn to and Subscribed before :
me this _____ day of _____, 20____**

:
:

NOTE TO APPLICANT: In the event a corporation or partnership is listed in paragraph 3 of the application, an authorized officer or partner of the listed entity shall also file an affidavit in the same form as this one listing names of owners of 10% or more in that entity.

