

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
MORRIS COUNTY, NEW JERSEY**

APPLICATION INSTRUCTIONS

Please Note:

This Board is a quasi-judicial body. Its decisions and procedures are governed by the laws of New Jersey. It is the obligation of the applicant to comply with all of the substantive and procedural requirements of the law and the rules and regulations (or by-laws) of this Board of which the following instructions are a part. Advice as to any legal requirements should not be sought from any municipal officer, Board Member, or employee, they are not attorneys. The applicant, if in doubt as to any legal requirements should seek the advice of an attorney.

Important

In order to expedite the processing of an appeal or application, the applicant should be careful to comply fully with all of the instructions below. Although the Board must render a decision within 120 days, the time does not begin to run until a **complete application** has been submitted.

General Information

In case of all appeals and applications for development the appellant or applicant must use the appropriate forms provided by the Board. Upon receipt of the appeal or application and the required fees, the Secretary of the Board will notify the applicant of the day fixed for the hearing and give the applicant a copy of the notice instructions, required notice to property owners and others, and a copy of the required affidavit of service.

At least ten (10) days prior to the day fixed for the hearing, the appellant or applicant shall give public notice by publication of the prescribed notice in the official newspaper of the Township and shall give the prescribed notice to all owners within 200 feet (within or without the municipality) and, when required by law, to:

- (a) the Clerk of an adjoining municipality
- (b) the County Planning Board
- (c) the State Commission of Transportation
- (d) the State Director of the Division of State of Regional Planning in the Department of Community Affairs

All addresses of the owners of property within 200 feet shall be obtained from the current tax records of the appropriate municipality, or from a list of property owners

prepared by the Administrative Officer of the municipality, designated for such purpose, upon the written request of the appellant or applicant and the payment of the prescribed fee. (Note: The Administrative Officer in Morris Township is the Township Engineer.) Said officer has seven (7) days from the time of the request to make and certify the list. Therefore, the request must be made long enough in advance to enable service within the required period of time.

Notice shall be given by:

1. Serving a copy thereof personally on the property owner as shown on the current tax duplicate, or his agent in charge of the property,

or

2. Mailing a copy thereof by **certified mail** to the property owner at his address as shown on said current tax duplicate.

The applicant must prepare and have executed before a Notary Public of New Jersey, an Affidavit on the form provided of Proof of Service, with a copy of the notice attached, and file said Affidavit with the administrative officer of the Board. Applicant(s) must also file with the Board on or before the date of the hearing and Affidavit of Proof of Publication of the public notice in the official newspaper.

NOTE: If the subject property is within 200 feet of municipal boundary, applicant shall notify the municipal clerk of the affected municipality as well as the Morris County Planning Board; if the subject property is located on a County or State road and/or highway, the respective jurisdictions shall also be notified.

The Board cannot take action unless the applicant or his legal representative is present at the hearing. Individual applicant(s) or a partnership may represent themselves. An attorney shall represent a corporation. Failure to appear may result in dismissal for lack of prosecution.

Applicant(s) shall file said Affidavits with the Board as soon as possible or on the 9th day preceding the date of hearing. The purpose of requiring the Proof of Service and Proof of Publication at least ten (10) days before the date of hearing noticed is to afford an opportunity to notify the applicant(s) of any deficiency and to have the applicant republish and re-notify in an attempt to avoid any inconvenience to any party including the public. It is to be noted, however, that the responsibility for proper notice and service remains solely that of the applicant(s).

Appeals

An appeal may be made to the Board by any interested party affected by any decision of an administrative officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map.

NOTE: An appeal is authorized under N.J.S.A. 40:55D-70(a). Its purpose is to invoke the authority of the Board to decide whether or not any act by an administrative officer is in error. It should not be confused with an application for development where the Board has original jurisdiction.

An appeal must be taken within twenty (20) days from the decision of the administrative officer, otherwise said decision is final and may not thereafter be appealed.

An appeal is taken by filing an original and ten (10) copies of a Notice of Appeal with the officer from whom the appeal is taken specifying the grounds of such Appeal. (Comply with form provided.)

Development Applications

All applications (except appeals) shall be filed with the Secretary of the Board of Adjustment. File original and ten (10) copies of the application, including the document(s) to be attached thereto. In the case of an application involving a "D" variance **or** commercial property, applicant shall submit an additional six (6) copies of the application and all documents.

The area map required is obtained from the Office of the Township Engineer and should clearly indicate thereon the tax lot and block number of each lot, or portion thereof, within the 200-foot area.

The plot plan or survey must be drawn to scale and show the following:

1. Dimensions and area, including any adjoining property in common ownership;
2. Existing structures located thereon with dimensions;
3. Proposed additions or changes with dimensions;
4. Driveways and parking areas;
5. Easements and/or rights-of-way;
6. All front, side and rear yard dimensions;
7. Clearly indicate the exact distance of the proposed addition(s) as it relates to the property line;
8. All inground swimming pools shall be measured from the apron and/or deck around the pool, and not from the wall of the pool.
9. The plan or survey **MUST** be signed and sealed by a licensed land surveyor.

The applicant shall submit proof - except where the application involves only one single family dwelling unit - with the application, that applicant(s) has submitted a plan for Soil Erosion and Sedimentation Control to the proper authority, pursuant to N.J.S.A. 4:24-59, et seq. (P.L. 1975,C.251). (NOTE: An application shall be deemed incomplete without said proof.)

If the applicant(s) is seeking subdivision or site plan approval, in connection with an application for a use variance, applicant(s) shall also file with the Secretary of the Board whatever is required for a complete application to the Planning Board in such case; all applications, documents and maps, to substitute the name of the Board of Adjustment for the Planning Board.

Note: An application shall be deemed incomplete if all the requirements established for such an application to the Planning Board are not fully met.

Responsibility

The foregoing instructions are furnished only as an aid to the applicant(s). It is the responsibility of the applicant(s) to be thoroughly familiar with, or to obtain competent advice, as to the laws, ordinances, and regulations (by-laws) of the Board, which govern the matters within its jurisdiction.

Payment of Taxes

Any application submitted to the Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property, which is the subject of the application. If, in fact, taxes or assessments are delinquent; any approval or other relief granted shall be conditioned upon prompt payment or adequate provision for payment.

“D” Variances

The applicant shall provide a transcript of proceedings on all Use Variances (D) Requests. The expense of the transcript shall be borne by the applicant.