

## **BOROUGH OF WEST WILDWOOD PLANNING BOARD**

### ***VARIANCE APPLICATION INSTRUCTIONS***

1. The Planning Board meets on the third Thursday each month. You must file twelve (12) copies of the application with the Board Secretary at the Clerks' Office together with all copies of building plans, site plans, sub-divisions and surveys and all other documents pertaining to the application at least thirty (30) days prior to the hearing date.
2. Each application must be accompanied by twelve (12) copies of current survey dated within two (2) years of the application, three (3) copies of the construction application, and three (3) copies of sub-division, site plan or conditional use application when applicable.
3. The required application fee must be paid at the time of the filing of the application. See attached schedule of all fees applicable to any applications before the Planning Board.
4. Attach proof that all taxes, sewer and water due on the subject property have been paid.
5. All property owners within two hundred (200) feet of the property for which Variance relief is sought must be given written notification of the time, date and place of the hearing at least ten (10) days prior to the scheduled hearing date. The applicant must comply with this notice requirement either by personally delivering such notice or by mailing the notice by certified mail, return receipt requested. The Borough Tax Collector will provide the names and addresses of all property owners within two hundred (200) feet within ten (10) days of your request. You are required to pay a small fee for preparation of the list of property owners. You must furnish the Planning Board with proof of compliance of the notice requirement by delivering the white mailing receipts stamped by the postal authorities to the Clerks' Office at least one (1) day prior to the hearing date. You must also deliver copies of all green receipt cards received back. Notice must be provided according to the requirements of N.J.S.A. 40:55D-12. (A sample Notice of Hearing to Property Owners is enclosed).
6. Every applicant must also have a legal notice of the date, time and place of the hearing before the Planning Board with a description of the proposed project and specific relief requested published in the Herald at least ten (10) days before the scheduled hearing. The Herald is published on Wednesday and any notice to be published must be received by the paper no later than noon on Monday of the week the notice is to be published. You must deliver to the Clerks' Office, prior to the hearing date, a Proof of Publication from the Herald which will be provided by the paper upon your request. (A sample Notice for Publication is attached).
7. If the applicant is a Corporation, an Attorney licensed to practice law in New Jersey must be present and conduct the hearing before the Planning Board. If the applicant is an individual, you have the option to conduct the hearing yourself or retain an Attorney.
8. You must answer every question and supply all requested information on the attached Variance application form. If a particular question does not apply, state "not applicable". Failure to supply all requested information could result in your application being deemed

incomplete and the hearing having to be postponed. Each application must be signed and verified under oath by a Notary Public and the Notary must affix his or her signature and seal where indicated on the form.

9. It is the policy of the Planning Board to require that building plans be submitted with each application involving new or additional construction. These plans must be filed in the Clerks' Office at least ten (10) days before to the scheduled hearings. The Board reserves the right to table or even deny any application for which plans have not been submitted.
10. Your completed application, survey and building plans will be considered part of your Variance application and you will be bound by what is stated and portrayed in these documents. Any approvals, which might be granted by the Planning Board, will be based upon the information contained in the submitted documents and you cannot later alter the project for which a Variance was granted without first returning to the Planning Board.

BOROUGH OF WEST WILDWOOD  
PLANNING BOARD  
VARIANCE APPLICATION

1. NAME, ADDRESS, PHONE NUMBER \_\_\_\_\_  
OF APPLICANT: \_\_\_\_\_  
\_\_\_\_\_

NOTE: IF APPLICANT IS NOT THE OWNER OF THE PROPERTY  
A COPY OF CONTRACT OR AGREEMENT RELATING  
TO PURCHASE MUST BE SUBMITTED WITH THE  
APPLICATION.

2. NAME & ADDRESS OF OWNER OF \_\_\_\_\_  
PROPERTY: \_\_\_\_\_  
\_\_\_\_\_

3. ADDRESS OF PROPERTY: \_\_\_\_\_  
\_\_\_\_\_

4. DISCLOSURE STATEMENT TO BE ATTACHED IF APPLICANT IS A  
CORPORATION OR PARTNERSHIP SHOWING NAMES AND  
ADDRESSES OF ALL PERSONS OWNING 10% OF THE STOCK IN  
THE CORPORATION OF 10% IN ANY PARTNERSHIP. IF THE  
APPLICANT IS A CORPORATION OR PARTNERSHIP ATTACH A  
SEPARATE SHEET SHOWING NAME, ADDRESS AND INTEREST OF  
SHAREHOLDER AND/OR PARTNER.

5. RELIEF REQUESTED (check all forms of relief being sought)  
\_\_\_\_ A. Appeal from decision of Building Inspector  
\_\_\_\_ B. Interpretation of Zoning Ordinance  
\_\_\_\_ C. Hardship Variance  
\_\_\_\_ D. Use Variance  
\_\_\_\_ E. Preliminary site plan approval  
\_\_\_\_ F. Final site plan approval  
\_\_\_\_ G. Preliminary subdivision approval  
\_\_\_\_ H. Final subdivision approval

6. LOT DIMENSIONS: WIDTH \_\_\_\_\_ DEPTH \_\_\_\_\_

7. ZONING DISTRICT: \_\_\_\_\_

8. SPECIFICATIONS OF EXISTING PROPERTY:

- A. Number of buildings: \_\_\_\_\_
- B. Dimensions of buildings: \_\_\_\_\_
- C. Use of buildings: \_\_\_\_\_
- D. Number of off-street parking spaces: \_\_\_\_\_
- E. Number of parking spaces required for  
Existing use under present Ordinance: \_\_\_\_\_
- F. Percentage of lot covered by buildings: \_\_\_\_\_ %

9. General description of what you are seeking permission to do and /or what  
Specifically you propose to build:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. If proposed project includes construction of new structures, state the following  
With respect to each new building:

- A. Dimensions: \_\_\_\_\_ X \_\_\_\_\_ feet
- B. Front yard setback: \_\_\_\_\_ feet
- C. Side yard setbacks: \_\_\_\_\_ feet and \_\_\_\_\_ feet
- D. Rear setback: \_\_\_\_\_ feet
- E. Height: \_\_\_\_\_ feet \_\_\_\_\_ stories
- F. Percentage of lot coverage: \_\_\_\_\_ %
- G. Use of structure: \_\_\_\_\_

11. If project proposes an addition or alternation of an existing structure,  
State the following as to the entire (old & new) proposed project:

- A. Dimensions: \_\_\_\_\_ X \_\_\_\_\_ feet
- B. Front yard setback: \_\_\_\_\_ feet
- C. Side yard setbacks: \_\_\_\_\_ feet and \_\_\_\_\_ feet
- D. Rear yard setback: \_\_\_\_\_ feet
- E. Height: \_\_\_\_\_ feet \_\_\_\_\_ stories
- F. Percentage of lot coverage: \_\_\_\_\_ %
- G. Use of property: \_\_\_\_\_

12. Number of off-street parking spaces after completion of proposed Project: \_\_\_\_\_

13. If there have been any prior variance applications regarding this property, state The date, result and nature of each variance request.

\_\_\_\_\_  
\_\_\_\_\_

14. SPECIFIC VARIANCE RELIEF REQUESTED: (Check all types of relief Being applied for)

- \_\_\_\_\_ A. Lot size  
\_\_\_\_\_ B. Lot frontage  
\_\_\_\_\_ C. Front yard setback  
\_\_\_\_\_ D. Side yard setback  
\_\_\_\_\_ E. Rear yard setback  
\_\_\_\_\_ F. Minimum floor area  
\_\_\_\_\_ G. Parking requirements  
\_\_\_\_\_ H. Height  
\_\_\_\_\_ I. Proposed use not permitted by zoning ordinance  
\_\_\_\_\_ J. Other (describe) \_\_\_\_\_  
\_\_\_\_\_

15. Other approvals needed: (Check each applicable item)

- \_\_\_\_\_ A. County Planning Board  
\_\_\_\_\_ B. CAFRA  
\_\_\_\_\_ C. OTHER \_\_\_\_\_  
\_\_\_\_\_ D. New Jersey Department of Environmental Protection  
\_\_\_\_\_ Wetlands Permit  
\_\_\_\_\_ Waterfront Development Permit  
\_\_\_\_\_ Tidal Wetlands Permit  
\_\_\_\_\_ Other \_\_\_\_\_

16. By law, the Planning Board cannot grant any requested variances unless the Applicant is able to prove that the granting of the variance will not be detrimental to the public good and will not impair the zone plan and zoning Regulations applicable to the applicant's property. State in detail why the granting of the variance(s) you have requested will meet the criteria.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. By law, if you are seeking variance relief on the basis of hardship, you must prove one of the following:

- (1) That your property is unusually situated or has such exceptional conditions  
That adherence to the particular requirements of the zoning ordinance would result in peculiar and exceptional difficulties and undue hardship upon the applicant if a variance were not granted from the minimum requirements of the zoning ordinance.
- (2) That the purposes of New Jersey's Land Use Law would be advanced by  
Allowing a deviation from the zoning ordinance requirements and the  
Benefits of the deviation would substantially outweigh any detriments.

18. If you are seeking a use variance, the law requires that you demonstrate that  
The property is a unique case and that there are special reasons why you should  
Be allowed under the zoning ordinance. Describe in detail the reason your  
Property is unique and the special reasons which would justify the use variance  
Sought.

---

---

---

---

19. State whether the real estate taxes for the property have been paid up through  
and including the last quarter for which an annual installment of taxes was due:  
\_\_\_\_\_ yes \_\_\_\_\_ no.

NOTE: If the taxes assessed against the property are not current at the time of  
the Planning Board hearing, your variance request will no be  
considered by the Planning Board.

## VERIFICATION OF APPLICATION

STATE OF \_\_\_\_\_ :

COUNTY OF \_\_\_\_\_ : ss.

\_\_\_\_\_, being of full age and duly sworn according to law, upon his/her oath, deposes and says that the information set forth in the Variance application form, survey and plans submitted in connection with the Variance application are true and correct and that they accurately portray the proposed project for which the Variance relief is sought and says that he/she is authorized to make this application.

---

FOR OFFICE USE ONLY, DO NOT WRITE IN AFFIX PROOF OF PAYMENT OF TAXES HERE

<u>Action</u>		<u>Date</u>
_____	<u>Site Plan Approval</u>	
_____	Application filed	_____
_____	Application deemed complete	_____
_____	Fees paid	_____
_____	Public notice proof	_____
_____	Approved	_____
_____	Disapproved	_____
_____	Conditional approval	_____
_____	Commitment service	_____
_____	<u>Variance Relief</u>	
_____	Application Filed	_____
_____	Application deemed complete	_____
_____	Fees paid	_____
_____	Public notice proof	_____
_____	Approved	_____
_____	Disapproved	_____
_____	Conditional approval	_____
_____	<u>Sub-division</u>	
_____	Application filed	_____
_____	Application deemed complete	_____
_____	Fees paid	_____
_____	Public notice proof	_____
_____	Approved	_____
_____	Disapproved	_____
_____	Conditional approval	_____

**NOTICE TO BE PUBLISHED IN OFFICIAL NEWSPAPER**

**Applicant's Name:** \_\_\_\_\_

**Applicant's Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Owner's Name:** \_\_\_\_\_

**Owner's Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Property Description:** Block \_\_\_\_\_ Lot \_\_\_\_\_

Address: \_\_\_\_\_

**TAKE NOTICE** that a hearing will be held before the Planning Board of the Borough of West Wildwood at the West Wildwood Borough Hall, 701 West Glenwood Avenue, West Wildwood, New Jersey on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at 7:00PM regarding the above mentioned property for a Variance or other relief described as follows:

All maps or documents relating to this application may be inspected in the office of the Borough Clerk of the Borough of West Wildwood at the Borough Hall, 701 West Glenwood Avenue, West Wildwood, New Jersey ten (10) days prior to the hearing date during normal business hours. All interested parties may appear at said hearing and participate therein in accordance with the rules of the Planning Board. This notice is given pursuant to N.J.S.A. 40:55D-12 et seq.

\_\_\_\_\_  
(Name of Applicant)



## NOTICE OF HEARING TO PROPERTY OWNERS

DATE: \_\_\_\_\_

TO: \_\_\_\_\_ Owner of Premises at

### PLEASE TAKE NOTICE:

That the undersigned has filed an appeal or application for development with the Planning Board of the Borough of West Wildwood for a \_\_\_\_\_ Variance from the requirements of the Zoning Ordinance so as to permit \_\_\_\_\_

on the premises at \_\_\_\_\_

and designated a Lot(s) \_\_\_\_\_, Block \_\_\_\_\_

on the Tax Map of the Borough of West Wildwood and this notice is sent to you as an owner of the property in the immediate vicinity. A public hearing has been scheduled for \_\_\_\_\_, 20 \_\_\_\_\_, at 7:00PM in the Borough Hall, 701 West Glenwood Avenue, West Wildwood, NJ 08260.

Any person or persons affected by this application may have an opportunity to appear either in person, or by agent or attorney, and present any objections which you may have to the granting of the relief sought in this petition.

All documents or maps relating to this application may be examined in the office of the Borough Clerk, during normal working hours.

\_\_\_\_\_  
(Signature of Applicant)

<b>SECTION XII</b> <b>GUARANTEES, INSPECTIONS AND OFF-TRACT IMPROVEMENTS</b>
---

### **1-104 Fees**

- A. Every application for development shall be accompanied by a check payable to the Borough of West Wildwood in accordance with the following fee schedule. The applicant may be required to provide additional escrow funds if it is determined that an insufficient amount remains. All remaining escrow funds will be returned to the applicant upon completion of the project and all associated costs have been satisfied.

<u>Subdivisions</u>	<u>Application Fee</u>	<u>Escrow</u>
Minor Subdivision	\$375.00	\$ 750.00
Major Subdivision	\$375.00	\$3,000.00 (Residential)
(per lot over 4)	\$ 50.00	\$4,000.00 (Non-Residential)

#### **Site Plans**

Preliminary & Final Plan	\$375.00	\$3,000.00
(additional fee of \$25.00 per residential unit)		
Informal Concept Plan	\$100.00	\$ 500.00

#### **Bulkheads**

Preliminary / Final Plan	\$ 50.00	\$1,000.00
--------------------------	----------	------------

#### **Variances**

Appeals (40:55D70a)	\$100.00	\$ 500.00
Interpretation (40:55D70b)	\$100.00	\$ 500.00
Hardship (40:55D70c)	\$100.00	\$ 500.00
Use (40:55D70d)	\$100.00	\$ 500.00
Permit (40:55D34&35)	\$100.00	\$ 500.00

Conditional Use	\$200.00
Special Meeting	\$300.00
Certified List of Property Owners	\$0.25/name or \$10.00 whichever is greater
Copy of Minutes, Transcripts or Decisions	\$1.00 page for first copy and 0.25 for additional
Request for extension	\$200.00

B. Application of Escrow Fees:

1. The application fees and escrow fees cited herein above are minimums which must accompany the application. An application shall not be deemed complete until the application fee and required escrow fee have been paid. The Board Secretary shall exercise his/her discretion in establishing the amount required for the escrow fund in the event the project will require more time for review than has been provided for in the fee schedule or the project is of a nature that is not expressly included in one (1) of the categories.
2. Application fees and escrow fees must be submitted in separate checks payable to the Borough of West Wildwood. The escrow shall be forwarded by the Board Secretary to the Chief Financial Officer of the Borough of West Wildwood for deposit into an escrow account. The application fees shall be deposited into the Planning Board account until the end of the month, at which time the funds shall be submitted to the Chief Financial Officer of the Borough of West Wildwood for deposit into the general account of the Borough.
3. Funds shall be applied to professional costs charged to the Borough by professional consultants (planner, engineer, attorney and any other consultant retained by the Borough) for services, including but not limited to professional opinions and attendance at meetings, or review regarding the development application. Additional funds may be required when the original amount is depleted by sixty percent (60%) and the development application is still in progress. The amount of additional funds needed shall be determined by the Board Secretary.
4. If the applicant has failed to pay any amounts due, the Borough may stop construction until such amounts and penalties equal to an interest payment on unpaid bills of one and one-half percent (1-1/2 %) per month, plus Borough legal fees, and collection charges necessary to recover any unpaid bills are paid. No Construction Permit or Certificate of Occupancy may be issued if such amounts are due and payable. In addition, all premises, with respect to which said charges are required, and shall remain so until paid. Said overdue charges shall accrue the same interest from time to time as taxes upon real estate in the Borough. The Borough shall have the same remedies for the collection thereof with interest, costs, and penalties as it has by law for the collection of taxes upon real estate.