

## Sea Isle City Zoning Board of Adjustment

Applicant's Last Name:

Property Address:

Date Submitted to ZB Secretary:

### Application Check List

This Application Check List is provided to assist you in submitting a complete application package to the Zoning Board. A complete Application Package shall consist of:

One (1) copy of this Checklist (on top), **plus one (1) copy each of the following items:**

- ☐ Check for Application Fees, made payable to "City of Sea Isle City" (first check)
- ☐ Check for Escrow Fees, made payable to "City of Sea Isle City" (second check)
- ☐ W-9 form, completed, and signed by the APPLICANT (one copy, only)
- ☐ ZB-3 Application Fees and Escrow Fee Calculation Sheet
- ☐ ZB-4 Certification and Proof of Payment of Taxes

**\*\*** Plus, TWENTY (20) copies of Application submitted via one (1) complete original hardcopy that must include ALL items listed above and below, one (1) ELECTRONIC COPY via Email or USB & eighteen (18) hardcopies with each set compiled of the documents below:

- ☐ ZB-1 SICZB current Application form, including signed & dated verification
- ☐ ZB-2 Survey, Plan, or Plat Affidavit
- ☐ ZB-5 Notice of Application for Development
- ☐ ZB-6 Certification of Service
- ☐ ZB-7 Proposed letter to the "200 foot list"
- ☐ Copy of 200 foot list obtained from Sea Isle City Tax Assessor
- ☐ All plans, drawings, surveys, photographs, and similar documents upon which the Applicant proposes to rely in presenting the Application.
- ☐ *Undersized lot cases only:* Attach documentation of Applicant's offer to purchase property from or sell property to adjoining property owners, and all responses.
- ☐ *Site plan approval and/or subdivision approval*, also include:  
ZB-11 Applications Involving Subdivisions and/or  
ZB-12 Applications Involving Site Plans

#### NOTE:

Application Packages must be submitted to the Board Clerk consisting of **twenty (20) application sets** as outlined above\*\*. Plans/drawings and similar documents must be folded (not rolled), and each set shall be bound together (rubber band, large clip or stapled). Component parts of the Application Package cannot be submitted separately; such Applications will be returned to the Applicant for completion and may result in delays and additional costs for processing. The Board Secretary is not responsible for assembling your application. It is the applicant's responsibility to assemble each required copy of the application which must be collated and ready for distribution to board members and board professionals.

**NOTICE TO THE APPLICANT**  
**LEGAL STANDARDS BY WHICH THE ZONING BOARD**  
**EVALUATES YOUR APPLICATION**  
**(Do not submit this section with your application)**

Each application submitted to the Board is subject to Completeness Review. This process involves the review of all forms and documents transmitted to the Board Secretary. A completeness review will be conducted within forty-five (45) days and the applicant will be notified.

**No later than ten (10) days before the hearing date, all documents on which the Application will be based must be on file with the Zoning Board Clerk.**

Finally, within TEN (10) Days prior to the date of the hearing, the Affidavit of Service ZB-6 and all certified mail receipts and Proof of Publication must be submitted to the Zoning Board Clerk.

Any request for a continuance of the hearing date must be submitted in writing and must specifically waive the applicable time limitations for the board to take action. Failure to comply with this requirement may lead to the Board dismissing the application without prejudice in which case resubmission, additional notice and publication may be required for a new hearing date along with other applicable requirements.

Following the hearing on the application, the action taken by the Board will be advertised in the official newspaper. A copy of the Board's decision will be sent to the applicant and their attorney if applicable, in Resolution form after adoption by the Board. Adoption of a memorializing resolution typically occurs at the following month's regular meeting.

If approved, no zoning or construction permit will be issued until a signed memorialized resolution is completed and the applicant addresses any required conditions of approval. If the applicant fails to pay or replenish the required escrow fees, this may cause delay in hearing your application. Furthermore, a standard condition of all approvals by the Zoning Board is that any and all outstanding escrow fees shall be paid in full and the escrow account shall be replenished to the level required by ordinance prior to the issuance of a zoning permit, construction permit; temporary and/or final certificate of occupancy, or, within 30 days written notice that a deficiency exists in the escrow account, whichever is applicable.

Most New Jersey municipalities have enacted a local zoning ordinance. The zoning ordinance designates districts in which certain structures and uses can be located. The ordinance defines minimum lot sizes and dimensions, and establishes requirements for the height, dimensions, bulk and density of structures, and what use can be made of those structures. A zoning variance is an exception to existing laws. A property owner may seek a variance when he or she proposes to renovate an existing building, or construct a new building on a property, but the lot or proposed structure does not conform to the requirements of the zoning ordinance. It's the Zoning Board's job to determine if there are circumstances that justify an adjustment between what the property owner seeks to do, and what the zoning ordinance otherwise permits.

By law, variances can only be granted where the **applicant** is able to satisfy both positive and negative criteria established by the Municipal Land Use Law and court decisions. The Board cannot grant variance relief unless the applicant proves, with evidence (testimony and/or documents) and the Board can find from that evidence, that the variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Municipal Land Use Law, the Sea Isle City Master Plan, and the Sea Isle City Zoning Ordinance. The Board never assumes the burden of proof.

Among the purposes of the Municipal Land Use Law are the following: promotion of public health, safety and welfare; provision of adequate light, air and open space; establishment of appropriate population densities; provision of sufficient space for agricultural, residential, recreational, commercial

and industrial uses and open space; promotion of a desirable visual environment; conservation of historic sites, districts, open space and natural resources; encouragement of senior citizens housing. Cite which of these apply to your application.

There are two categories of variances: first, the “c” variances that pertain to the “bulk” of the land or buildings (size, shape or dimensions of property or the buildings on it), and second, the “d” variances, that pertain to use of the structure, density, and intensity of development.

There are two types of “c” variances: the c(1) or Hardship Variance, and the c(2) or Benefits Variance. To obtain a “**c(1)**” or **HARDSHIP VARIANCE** (NJSA 40:55D70c(1)), the Applicant must prove that, with respect to a specific property, the strict application of the Zoning Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of the property, by reason of: ○ Exceptional narrowness, shallowness or shape of a specific piece of property; or

Exceptional topographic conditions or physical features uniquely affecting a specific piece of property; or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

In effect, the applicant must prove that because of special or unique physical conditions of the property or structures lawfully existing on the property, the property cannot be developed unless variance relief is granted. IT IS THE APPLICANT’S BURDEN TO PROVE TO THE BOARD THAT SUCH FACTS OR CIRCUMSTANCES EXIST.

To obtain a “**c(2)**” or **BENEFITS VARIANCE** (NJSA 40:55D-70c(2)), the Applicant must prove that, with regard to a specific piece of property, the special or unique physical conditions of the property or structures lawfully existing on the property make the property especially suited to what is proposed to be built there, and that the purposes of the Municipal Land Use Law and the Zoning Ordinance and Master Plan would be advanced by a deviation from the Zoning Ordinance requirements, and the benefit of granting the variance would substantially outweigh any detrimental impact to the MLUL, the Ordinance and the Plan. THE BURDEN OF PROVING TO THE BOARD THE CONDITIONS THAT MERIT THIS TYPE OF RELIEF LIES SOLELY WITH THE APPLICANT.

A different type variance relates to changes in the use of property, or in situations where the applicant seeks to exceed allowable floor area ratio or height, or seeks relief for certain conditional uses. This type of variance is commonly referred to as a “**d**” **VARIANCE** (NJSA 40:55D-70d) and can only be granted where the applicant proves, and the Board finds, that there are special reasons as specified by the MLUL for granting the requested variance relief. The burden is upon the applicant to provide proof of satisfaction of the requirements applicable to the application.

This information sheet is not intended to constitute legal advice, nor is it intended to be a complete explanation of New Jersey land use law or procedures. If you have questions concerning the burden of proof, what variances you may need, or other legal issues or strategy concerning your application, you are advised to consult with an attorney or land use professional concerning your specific property and the structures you propose to build.

You may also contact the Zoning Board Secretary, c/o City Hall, c/o the Zoning Officer, or c/o the Construction Office, to examine a copy of the Sea Isle City Zoning Ordinance.

*Sea Isle City Zoning Board of Adjustment*