

<b>Sea Isle City Zoning Board of Adjustment</b>	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:

1 copy of this Checklist (on top of Package), **plus:**

- Check for Application Fees, made payable to "City of Sea Isle City"
- Check for Escrow Fees, made payable to "City of Sea Isle City"
- 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, 20 sets of Application, with each set compiled of the following documents:**

- ZB-1 SICZB current Application form, including signed and dated verification
- ZB-2 Survey, Plan, or Plat Affidavit
- ZB-5 Proposed form of Notice of Hearing
- 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** that all Application Packages must be submitted to the Board Clerk in 20 complete sets to include 1 original and 19 copies. Plans, drawings and similar documents must be folded (not rolled). 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 delay and additional cost in processing.

**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:** **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.

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

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 can not 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 40:55D-70c(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*  
*January 2007*