



Borough of Medford Lakes

General Instructions for Preparing Variance Applications

Applying for a variance, subdivision, or site plan is a legal proceeding which is governed by State Laws and Local Ordinances. The Medford Lakes Planning Board cannot waive or relax the procedural application of these laws. If you want to be sure that your application is prepared and presented properly, you should consider obtaining professional and/or legal assistance.

Why Do I Need a Variance?

When a zoning permit is denied, you must apply for a variance in order to proceed with your project. A variance is an exception to the strict application of the zoning ordinance.

Variance Types

➤ **Type C (Bulk Variance)**

Reasons an applicant would seek a "C" Variance

- Exceptional narrowness, shallowness or shape of a specific piece of property
- Exceptional topographic condition
- Physical features which prohibit construction if strict adherence to the zoning ordinance is applied
- The variance would advance the purpose of the zoning ordinance, and the benefit of the deviation would substantially outweigh any detriment

➤ **Type D (Use Variance)**

Reasons an applicant would seek a "D" Variance

- To construct or create a use or principal structure in a zoning district that has restrictions against such use or principal structure
- To expand a non-conforming use
- To deviate from a conditional use requirement
- To increase the permitted floor area ratio (FAR) in a specified zoning district

Preparing a Variance Application

If you wish to apply for a variance, there are several steps that need to be taken before the Planning Board will hear your appeal. This application packet includes an *Application Checklist* (MLPBO01) to help you along the way.

Generally, the variance process includes the following:

- Zoning Officer completes and submits a *Reason for Denial of Building Permit* form
- Applicant prepares documents according to the application packet
- Payment of application fee
- Payment of fees for professional services and escrow
- Proof applicant is up to date with all Borough payments (taxes/assessments/municipal fees/etc.)
- Preparation of notices to newspaper and neighbors and utilities
- Submission of plans and survey
- Planning Board Administrative Official approval of application completeness
- Applicants' publication of *Notice of Hearing Before the Planning Board* in local newspaper
- *Notice of Hearing Before the Planning Board* delivered to neighbors and utilities
- *Notice of Hearing Before the Planning Board* Affidavit submitted to Planning Board Administrative Official
- Applicant presentation of appeal to Planning Board

Applications must be certified as complete by the Planning Board Administrative Official no less than sixteen business days prior to the monthly Medford Lakes Planning Board Meeting.

If you are unable to meet directly with the Planning Board Administrative Official, a Borough Office Staff Member will acknowledge the date your application was received. It is your responsibility to contact the Planning Board Administrative Official to determine whether your application is suitable to proceed with the *Notification of Hearing Before the Planning Board* process.

The schedule of Planning Board Meetings is listed at www.medfordlakes.com and posted on the Borough of Medford Lakes Office Bulletin Board.

Preparing Documents and Public Notices

When your application for a Zoning Permit is denied, the Zoning Officer will complete a *Reason for Denial of Zoning Permit* (MLPB003). Once this is received, you must then complete a *Petition for Appeal* (MLPB002) which explains the reasons you are seeking a variance. When completing the "Relief Desired" section of the petition, use your own words to briefly describe the requested relief (this is your description, not the Zoning Official's reason for denial). The following is an example of the language that can be used:

"Construct a two-story addition in the rear of the home that will come within 20 feet of the rear property line instead of the required 25 feet"

Complete the *Notice of Hearing Before the Planning Board* (MLPB004) form using the same language. Once your application has been completed, this will be sent to neighbors and utilities located within 200 feet of your property.

The *Sample Newspaper Notice* (MLPB007) is a guide to help you with what you will place in the *Legal Notice* section of the newspaper once your application has been completed.

Application Fee and Fees for Professional Services/Escrow

Complete the *Agreement to Pay Fees* (MLPB006) form also known as the "Escrow Agreement." In addition to the initial fee for the Variance Application, applicants must also pay a fee for Professional Services. These fees cover the cost of the Planning Board Attorney reviewing your application, researching legal questions and preparing resolutions granting or denying the variance. In some cases, the Planning Board requires the services of an engineer and/or professional planner. State Law and the Borough Zoning Ordinance requires the applicant to pay for these services.

Application Fees:

- Bulk Variance: \$150.00
- Use Variance: \$250.00
- Minor Subdivision: \$250.00

Escrow Fees:

- Bulk Variance: \$350.00
- Use Variance: \$1,500.00
- Conditional Use Escrow: \$1,500.00
- Minor Subdivision Escrow: \$1,250.00
- Informal Review: \$1,000.00

In most cases, the escrow amount is sufficient to cover the cost of professional fees incurred at the direction of the Planning Board. Occasionally, bills for professional services exceed the escrow deposit. In these cases, the applicant will be required to make additional payments.

Provide Proof of Payment for Borough Taxes

Applicants must obtain from the Borough Office a completed *Medford Lakes Planning Board Certification of Tax Collector* (MLPB005) form. State Law permits the Borough to require that all taxes, assessments and other municipal fees be paid in full as a condition of any variance approval that may be granted.

Submit Plans and Drawings

Prepare an accurate survey showing the existing conditions and a project plan signed and sealed/certified by a licensed professional. Consult with the Planning Board Secretary on the number of copies required. These plans must also include a current *Lot Coverage Worksheet* (MLPB009). If plans are sent electronically, one physical copy (signed and sealed/certified by a licensed professional) must be submitted.

Public Notices for the Newspaper and Neighbors

It is required that applicants place a public notice in the local newspaper designated for use by the Borough and notify all neighbors and utilities within 200 feet of the property. This notice is to inform as to why you are seeking a variance and advise of the hearing date. It is important to prepare public notices in the early stages of the variance process. However, **DO NOT** advertise in the newspaper or give notice to your neighbors/utilities until your variance packet has been approved by the Planning Board Administrative Official and the date of your hearing has been firmly set. If you prematurely advertise and your application is deemed incomplete or is for any reason delayed, you will have to advertise and give notice again.

Once your packet has been approved by the Planning Board Administrative Official, the advertisement must appear in the newspaper a **minimum of TEN calendar days** prior to the Planning Board Meeting.

An *Affidavit of Publication* from the newspaper or the original advertisement is required to show proof of the advertisement. Follow the instructions found on the *Sample Newspaper Notice* (MLPB007). This affidavit must be provided to the Planning Board Administrative Official once you have advertised.

This requirement cannot be waived or relaxed even in cases when the newspaper is at fault. If the newspaper had your advertisement in plenty of time but failed to publish at least ten calendar days in advance of the Planning Board Meeting, your application must be rescheduled.

You will complete a *Request for Certified List of Owners* (MLPB010) to be prepared by the Tax Assessor. This list will provide names and addresses of anyone who owns property and utilities that have equipment within 200 feet of any portion of your property. Notification of your pending variance request must be sent to everyone on the 200-foot list prior to the Planning Board hearing your case. The *Notice of Hearing Before the Planning Board* (MLPB004) form must be sent a **MINIMUM OF TEN DAYS** before the date of the Planning Board meeting. (The actual meeting date is not included in the ten calendar days) Applicants are advised to use the language from the "Relief Desired" section of the *Petition of Appeal* (MLPB002) form when describing the request in your notice.

There are two ways to "serve" neighbors with the *Notice of Hearing Before the Planning Board* (MLPB004) form: personal service or certified mail. All utilities must be sent certified mail.

Certified Mail (recommended method)

Submit the date stamped mailing slips with your completed application packet (green return receipt cards are not required)

Personal Service

If you prefer to personally hand deliver a copy of the *Notice of Hearing Before the Planning Board* (MLPB004) form to a property owner, it must be delivered to the name of the person that appears on the list prepared by the Tax Assessor. The property owner **MUST** sign and date the document. Simply placing the notice in a mailbox does not constitute personal service and is a violation of Federal Law. If you are giving notice to an entity (i.e. Medford Township) or a corporation (i.e. Medford Lakes Colony) you can accomplish personal service by handing a copy of the notice to and obtaining the signature of a representative such as the Municipal Clerk or a member of the office staff in the Medford Lakes Colony Office.

Regardless of how you choose to send notices, use the list of property owners provided by the Tax Assessor to keep a log of the notices. Note the date when you served each person with the notice and the method in which it was served for each address on the list ("PS" for personal service or "CM" for certified mail) Once completed, applicants must **sign and notarize** the *Affidavit of Service* (MLPB0008) form. This is a sworn statement of how, when and to whom you gave notice that you are applying for a variance. Attach the log of service to the affidavit. The affidavit must be returned to the Planning Board Administrative Official before your application for a variance can be considered complete.

Guidelines for Presentations of Variance Requests Before the Planning Board

The purpose of the following guidelines are meant to assist applicants appearing before the Planning Board and is not in any way to act as a substitute for legal advice. It is always recommended that applicants consult a professional experienced in variance procedure (i.e. attorney, architect, engineer, etc.) to assist with the appeal.

A variance is basically "permission" to deviate from zoning ordinance requirements. Strict legal standards must be met before a variance can be granted. If the zoning official has determined your need for a bulk variance, there are several conditions that would help you to be successful in your case before the Planning Board.

Proof of Hardship

Hardship in this case is defined as circumstances that would cause the applicant to be unable to make reasonable use of the property. For example, the current Zoning Ordinance requires lots to be 100 feet wide, but your lot is only 50 feet wide. This would automatically make any addition to your home closer to the side lot line than the Ordinance permits. Perhaps you would like to build a detached garage, shed or other accessory building on your triangular or other oddly shaped lot. This would make building any structure where the Zoning Ordinance permits extremely challenging.

The essence of a hardship is that the shape, size, slope or some natural feature of your lot makes it inordinately difficult for you to make reasonable use of your property while still obeying the Zoning Ordinance. Right-of-way and easements can also affect hardships. You may check with the Borough Zoning Official for more information.

Proof of Positive Purpose

If there is a special circumstance in your case that breaking the Zoning Ordinance requirements would actually end up being “better” than following it or if deviating from the Zoning Ordinance requirements would create a more positive zoning purpose which would outweigh any detriment.

For example, a homeowner would like to build a shed. If the shed is built where the Zoning Ordinance says it should be built, the homeowner would have to cut down half a dozen mature oak trees. However, if the shed is granted a variance to allow it to come ten feet closer to the rear property line, no trees need to be removed. A stated objective of the Borough Zoning Ordinance is to save our wooded lots. By deviating from one part of the Zoning Ordinance, the homeowner can help achieve something that another part of the Zoning Ordinance is trying to accomplish, proving positive purpose.

Negative Criteria

Regardless of which of these two approaches better suits the application, an additional standard must be met. The applicant must prove to the Planning Board that granting the variance will not be a substantial detriment to the neighborhood and will not substantially impair the intent and purpose of the Master Plan or Zoning Ordinance. This is known as satisfying “negative criteria.” This standard can be met by showing that other properties in the immediate area deviate from the requirements of the Zoning Ordinance in a similar way to your proposal. You can also show the Planning Board that what you want to do is an “overall improvement” which will not have a substantial negative impact on the objectives of the Zoning Ordinance.

Forms Included in this Variance Packet

MLPB001	Application Checklist
MLPB002	Petition of Appeal
MLPB003	Reason for Denial of Building Permit
MLPB004	Notice of Hearing Before the Planning Board
MLPB005	Certification of Tax Collector
MLPB006	Agreement to Pay Fees
MLPB007	Sample Newspaper Notice
MLPB008	Affidavit of Service
MLPB009	Building and Lot Coverage Worksheet
MLPB010	Request for Certified List of Owners
MLPB011	Authorization to Enter Grounds



Borough of Medford Lakes Planning Board
Petition of Appeal No. _____

Borough of Medford Lakes Planning Board Application Checklist

Your application must be returned with item numbers 1-7 **AT LEAST SIXTEEN BUSINESS DAYS IN ADVANCE OF THE PLANNING BOARD MEETING.** It will be dated and acknowledged by the Planning Board Administrative Official. A copy will be given to you as a receipt confirming the date filed. Once your application is approved, you must expediently proceed with the notification portion of the application process. Item numbers 8 and 9 must be submitted at least ten days in advance of the Planning Board Meeting.

[Once filed, the Planning Board Administrative Official has 45 days by law to review the application for the purpose of determining suitability for placement on the agenda for that month's meeting]

Your application should contain the following to be considered suitable for placement on the agenda:

1. _____ Copy of the REASON FOR DENIAL OF BUILDING PERMIT (MLPB003) signed by the Zoning Official.
2. _____ Completed PETITION OF APPEAL (MLPB002)
3. _____ Two checks made payable to "Borough of Medford Lakes"
\$_____ for Escrow Deposit \$_____ for Application Fee
4. _____ Signed AGREEMENT TO PAY FEES (MLPB006)
5. _____ Completed CERTIFICATION OF THE TAX COLLECTOR (MLPB005) indicating that your taxes and other municipal fees are current
6. _____ Copy of plans and survey showing existing condition with projected plans and marked location on property
7. _____ Completed and signed BUILDING AND LOT COVERAGE WORKSHEET (MLPB009)
8. _____ Copy of your NOTICE OF HEARING BEFORE THE PLANNING BOARD (MLPB004)
9. _____ Signed and notarized AFFIDAVIT OF SERVICE (MLPB008) or original legal notice from newspaper
10. _____ Copies of Prior/Pending Variances (Attach)
11. _____ Signed AUTHORIZATION TO ENTER GROUNDS (MLPB011)

RECEIVED BY _____ DATE _____



Borough of Medford Lakes Planning Board
Petition of Appeal No. _____

Petition of Appeal

Date: _____

Name of Petitioner: _____

Address: _____

Town: _____ County: _____ State: _____

Email Address: _____ Phone Number: _____

Description of Property Involved:

Street and Number: _____

Borough Assessment Map: Block: _____ Lot(s): _____

Present Use: ☐ Residential ☐ Commercial

Use Desired: _____

Own or Leased: _____ Subject to Sale Agreement: _____

Relief Desired:

Signature of Petitioner: _____

☐ Filed on Behalf of the Petitioner

By: _____ Attorney or Agent Signature: _____

Address: _____

For Official Use Only – Do Not Write Below This Line

☐ Approved

☐ Disapproved

Signature: _____ Borough Title: _____ Dated: _____

SAMPLE ONLY

Medford Lakes Borough
ZONING
1 CABIN CIRCLE

MEDFORD LAKES, NJ 08055

Application Date: 5/17/2024
Application Number: ZA-13-00033
Permit Number:
Project Number:
Fee: \$50

Denial of Application

Date: 5/17/2024

To: BOROUGH OF MEDFORD LAKES
1 CABIN CIRCLE DR
MEDFORD LAKES, NJ 08055

RE: 1 CABIN CIRCLE DR
Block: 30001 Lot: 1.01 Qual: Zone:

Dear BOROUGH OF MEDFORD LAKES,

Your request is hereby denied based upon the following requirements:

MUST OBTAIN A BULK VARIANCE THIS EXCEEDS MAXIMUM LOT COVERAGE.

Sincerely,

ZONING OFFICER

SAMPLE ONLY



Borough of Medford Lakes Planning Board
Petition of Appeal No. _____

Notice of Hearing Before the Planning Board

To: _____

Owner of: _____
(Street Address)

Notice is hereby given that a public hearing has been ordered and will be held by the Planning Board of the Borough of Medford Lakes, in the County of Burlington, New Jersey, at a meeting thereof to be held on the _____ day of _____ 20____ at 7:30 P.M. at Oaks Hall, located in the Administration Building of the Borough of Medford Lakes, 1 Cabin Circle, on the following matter:

on premises known as _____
(Street Address)

Block: _____ Lot(s): _____ which is within 200 feet of your property.

The Planning Board will, at said time and place, hear all persons in support of said appeal and application, or any objections, thereto. Any persons may appear at said hearing in person or by agent or attorney. This notice is sent to you by the applicant by order of the Planning Board.



Borough of Medford Lakes Planning Board
Petition of Appeal No. _____

Certification of Tax Collector

Regarding Application of Property: _____

Block: _____ Lot(s): _____

Property Owner's Name: _____

I hereby certify that:

☐ There is a balance owed to the Borough of Medford Lakes on the account of the above property:

Taxes: _____

Assessments: _____

Sewer: _____

Other Municipal Fees: _____

TOTAL: _____

☐ All Municipal charges on the above property are current.

Dated

Medford Lakes Tax Collector

Tax Collector Signature



Borough of Medford Lakes Planning Board
Petition of Appeal No. _____

Agreement to Pay Fees

This agreement is made on the _____ day of _____, 20____, between the Planning Board for the Borough of Medford Lakes, a municipal corporation of the State of New Jersey, (hereinafter "Borough"), and _____ (hereinafter "Applicant").

1. Agreement to Pay Fees: The Applicant hereby agrees to pay all reasonable professional review fees incurred by the Borough in connection with the application for development of the property known as _____ on the tax map of the Borough of Medford Lakes. These fees include, but are not limited to, engineer review fees, attorney's review fees, planner review fees or stenographer's costs and preparation of resolution.
2. Escrow Deposit: The Borough acknowledges receipt of \$_____. This sum is a cash deposit to be placed in a Borough account to cover costs of the aforementioned fees. Charges against the Applicant's escrow deposit will be paid when they become due. The balance of the escrow sum, if any, after all charges and fees have been paid, shall be returned to the Applicant.
3. Additional Payments: The Applicant agrees to pay any additional money required to pay reasonable charges and fees not covered by the escrow deposit. The Applicant must pay within 15 days after receipt of billing by the appropriate Borough Office.
4. Notice: The Applicant agrees that all notice or refunds shall be mailed to the following address:

In witness whereof, the parties have hereunto subscribed their hands the date first shown above.

Planning Board of Medford Lakes

Applicant Signature

Administrative Official



Borough of Medford Lakes Planning Board
Petition of Appeal No. _____

Sample Newspaper Notice

(For use in all classes of variances)

Notice of Hearing

Please take notice that at 7:30 P.M. on **(hearing date)** at Oaks Hall, Borough of Medford Lakes, 1 Cabin Circle, Medford Lakes, New Jersey 08055, the Medford Lakes Planning Board will conduct a public hearing on the application of **(names of applicants)** of **(address of applicants)** for a **(type of)** variance to permit them to **(description of relief desired)** to their home site at **(address of property)** Medford Lakes, NJ 08055, Tax Map **(block and lot of property)**. Relief is requested **(repeat the explanation from the denial of zoning permit you were given and briefly explain why you need a variance)** is requested and any/all other variances as may be defined/required by the Planning Board.

A copy of the application and supporting documents are on file in the Office of the Borough Clerk in Oaks Hall, Borough of Medford Lakes, 1 Cabin Circle, Medford Lakes, New Jersey 08055 and may be examined Monday – Friday between the hours of 9:00 A.M. and 4:00 P.M.

(Name of applicants seeking variance)
Medford Lakes, NJ

****This notice MUST appear in the designated newspaper for use by the Borough a minimum of TEN calendar days prior to the Planning Board Meeting. When placing your advertisement, request from the newspaper with which you are advertising that you be furnished with an "Affidavit of Publication." If you have not received this document by the time you file your other documents with the Planning Board Administrative Official, please bring the "Affidavit of Publication," or the actual newspaper in which the notice was published, to the hearing. ****



Borough of Medford Lakes Planning Board
Petition of Appeal No. _____

Affidavit of Service

Borough of Medford Lakes Planning Board

State of New Jersey :
County of Burlington : SS.

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

That on the date shown and, in the manner indicated on the attached list, he/she gave written notice of the hearing on this appeal to each and all of the owners of property within a radius of 200 feet, in the form attached hereto and according to the method recorded on attached list.

(To be signed by the person who served the notice)

Sworn and subscribed
Before me this ____ day
of _____ 20 ____

A Notary Public of New Jersey

Attached to this affidavit, please find the list of the names and addresses of the property owners served, showing the date served and method of service (P.S. – Personal Service or C.M. – Certified Mail) This affidavit must be returned to the Planning Board Administrative Official at least ten days prior to the Planning Board Meeting or the case will not be heard.



Borough of Medford Lakes Planning Board
Petition of Appeal No. _____

Building and Lot Coverage Worksheet

Address: _____ **Zone:** _____ **Block:** _____ **Lot(s):** _____

						Acreage	Square Feet		
1	Lot Size (enter acreage to get square feet)					0.00	0.00		
	Lot Size (enter square feet to get acreage)					0.00	0.00		
Building Coverage					Existing	Proposed			
					Square Feet	Square Feet			
2	Primary Dwelling					0.00	0.00		
3	Additions to Primary Dwelling					0.00	0.00		
4	Anything else under roof attached to primary dwelling					0.00	0.00		
5	Total Existing Building Coverage					0.00			
6	Total Proposed Building Coverage						0.00		
7	Total Building Coverage : lines 5 & 6					0.00			
8	Total % of Existing Building Coverage								
9	Total % with Proposed Building Coverage								
Line 8 & 9 may not exceed 25%									
Lot Coverage for Impervious Items					Existing	Proposed			
					Square Feet	Square Feet			
10	Building (same entry as Lines 5 & 6)					0.00	0.00		
11	Detached Garage					0.00	0.00		
12	Shed(s), Gazebos and/or other Accessory Buildings					0.00	0.00		
13	Pools					0.00	0.00		
Sub-total for impervious coverage:					0.00	0.00			
Items shown by Lines 9, 10, 11, 12 and 13 are impervious by Ordinance definition									
Lot Coverage for Other Items					Existing Square Feet		Proposed Square Feet		
					Impervious	Pervious	Impervious	Pervious	
14	Driveway					0.00	0.00	0.00	0.00
15	Sidewalks, Walkways					0.00	0.00	0.00	0.00
16	Decks, Patios					0.00	0.00	0.00	0.00
17	Any other item designated by Ordinance					0.00	0.00	0.00	0.00
Sub-Totals for Other					0.00	0.00	0.00	0.00	
					Square Feet	Percent			
18	Existing Lot Coverage (Impervious)					0.00			
19	Existing Lot Coverage (Pervious)					0.00			
20	Proposed Lot Coverage (Impervious)					0.00			
21	Proposed Lot Coverage (Pervious)					0.00			
22	Total Lot Coverage w/ all Improvements					0.00			
Notes - Variance required if:									
Total lot coverage of primary dwelling exceeds 25%									
Total lot coverage with all impervious improvements exceeds 35%.									
Total lot coverage with all impervious and pervious improvements exceeds 40%									
SIGNED:					DATE:				



Borough of Medford Lakes Planning Board
Petition of Appeal No. _____

Request for Certified List of Owners

To: Tax Assessor, Borough of Medford Lakes
1 Cabin Circle
Medford Lakes, NJ 08055

I, the undersigned, hereby request a certified list of property owners within two hundred (200) feet of:

Block: _____ Lot(s): _____

Signed: _____

Name: _____

Address: _____

Phone: _____

Date: _____

\$10.00 Paid Ck# _____ ☐ Cash



Borough of Medford Lakes Planning Board
Petition of Appeal No. _____

Authorization to Enter Grounds

Property Owner Name(s): _____

Property Address: _____

I/We, the undersigned, owners(s) of the above property, do hereby authorize that members of the Medford Lakes Planning Board may enter the grounds of my lot for the purpose of viewing the property in connection with the pending application to the Planning Board:

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____