

Township of Chatham

Your Presentation to the Zoning Board of Adjustment at your Public Hearing

The Zoning Board of Adjustment hears appeals of the Zoning Officer's decisions, interpretations of the Township's Development Ordinances, variances from the coverage, height and setback standards of the ordinances ("c" variances), use variances ("d" variances) and site plans and subdivisions when they involve use or "d" variances. Often several cases are scheduled for a public hearing at each of the Board's monthly meetings. You may benefit from attending one of these public meetings prior to your scheduled hearing to observe how applicants present their cases and forward reasons in support of their applications.

Chatham Zoning Board Procedure

- It is the practice of the Chatham Township Zoning Board of Adjustment to conduct an initial public hearing on a complete application in which the applicant summarizes the proposed development and identifies the variances sought. At this point the applicant may wish to present their professionals such as an architect, engineer or planner to assist in the description of the project.
- A site visit is then scheduled by the Board, usually conducted on the first Saturday morning of the month. The applicant is requested to identify the area of the proposed improvement by stakes or other markings to enable the Board to better visualize the proposed development.
- The following month a public hearing is scheduled in which the application is presented with proofs and reasons forwarded by the applicant and their professionals as described below.

Public Hearing Process

During your public hearing, you will have to present information and testimony to the Board to support your application and request for variance relief. All corporations must be represented by an attorney. Individual applicants may represent themselves. If you are appearing before the Board and are representing yourself, the following points are intended to assist you. After you are sworn in by the Board Chair, you will be asked to present your case. **It is your burden to establish the reasons for the Board to approve your case.** This presentation should include the following:

1. Identify yourself and your interest in the property. What are you trying to accomplish?
2. Where is your property located: address, block, and lot? Describe it. You can refer to the materials submitted with your application. This is a good time to present photos if you have any. Be prepared to state when they were taken and by whom.
3. If relevant, describe the surrounding lots and what is located on them.

4. If you are proposing an addition to your home, is there any way to eliminate the variance by putting the addition elsewhere? Why is this alternative the best or the only option that will work? Does this improvement provide benefits to the overall neighborhood or community by improving aesthetics or advancing good planning? Do the benefits of the improvement to the neighborhood substantially outweigh any detriments? (This is the “c (2)” or “flexible c” criteria.)

5. Is there something unusual about the size or shape of your lot, the terrain, or existing structures that may limit the location of your structures? For example: trees, septic systems, wells, easements, large rock formations, etc. (This is the “c (1)” criteria.)

6. Is the proposed structure reasonable for your neighborhood and your zone? For example, a pool or deck can be a reasonable addition to a residential use zone. Note similar structures on surrounding lots, as you may refer to your key map and identify where they are.

7. Does granting your request further the intent of the Master Plan and Zoning Ordinances? What are the possible - if any - negative impacts?

8. You may introduce witnesses, such as architects, engineers and planners, who can be sworn in and testify. You may question them or ask them to present information in support of your case to the Board. You may also introduce supporting witnesses such as neighbors if they wish to advise the Board that they do not object.

Professionals and the Public

The testimony of a professional planner may be advisable if you are seeking a "D" or Use Variance or permission to use property for something not normally allowed in a zone; i.e. a business in a residential zone, a multi-family dwelling single-family zone, an industrial use in a regular small business zone, etc. Special reasons must be established for a use variance and five affirmative votes are needed for approval.

Sometimes objectors appear at hearings. They are permitted to question each witness at the appropriate time and may speak at the end of the hearing to voice comments and opinions. These comments are part of the official hearing record. Letters and petitions are not part of the hearing record; only an attorney can represent someone not able to attend or a designated individual with power of attorney.

If you are seeking permission to build on a lot that does not abut a street, the Board is often concerned about emergency access for fire trucks. Be prepared to address this issue. If you are not able to appear at your scheduled hearing date for any reason - failure to do public notice, the assigned date is not convenient, etc. - please advise the Planning Office as quickly as possible so that this time can be assigned to another applicant.

Remember, it is your responsibility to present reasons for the Board to grant your application. Please also refer to the Chatham Township Land Development Ordinance and the New Jersey Municipal Land Use Law. (N.J. S.A. 40:55D).

Thank you for your cooperation and good luck with your application!