

**BOROUGH OF BRADLEY BEACH
ZONING BOARD OF ADJUSTMENT APPLICATION
PHONE NUMBER 732 776-2999 EXT. 17**

Board of Adjustment Meetings held on the Third Thursday of the month.

- 1.** Application should be filed at least **30** days **prior** to the next scheduled meeting.
- 2.** You must return **15** copies of the application along with 15 copies of the site plan or plat which must be **folded**.
- 3.** Once, the application is reviewed, the proper fees will be assessed, the assessed fees must be paid within **3** business days.
- 4.** At the time of filing **all** taxes and sewer payments **must be current** for an application to be processed.
- 5.** Applications received from someone other than the property owner **must** supply a letter from the property owner with the consent to submit the application before the Board.

If you have any questions regarding the filing of an application contact the Board Secretary at 732 776-2999 ext. 17.

PLEASE NOTE: Application Checklist and Documents Required to be submitted in Borough of Bradley Beach Code 270 Attachment 1 Appendix A.

BOROUGH OF BRADLEY BEACH
ZONING BOARD OF ADJUSTMENT
FORM A

NOTICE OF APPEAL AND VARIANCE APPLICATION FORM

OFFICIAL USE ONLY

CASE # _____ DATE FILED _____
DISPOSITION _____ HEARING DATE _____

TO THE APPLICANT: Please complete sections in full for Relief Requested.

**NOTICE OF APPEAL
ZONING OFFICER'S DECISION**

TO THE ZONING ENFORCEMENT OFFICER:

The petition of Scott Isgett and Enza Isgett

Applicant's Name

shows that on or about the _____ day of July, 2020, an

application to the Zoning Officer (or Building Inspector) for the purpose of:

Describe intended action: Demolition of existing single family home, which is a non-conforming structure that does not conform to setback requirements, and construct new 2 1/2 story single family home. The lot is 47' X 100' +/-, and 4,704 sq.', and the lot and the existing structure was built and in existence since in or about 1944, and prior to the existing Zoning Ordinance. The proposed dwelling will comply will setbacks, building coverage, lot coverage, driveway requirements, as well as comply with all other aspects of the zoning ordinance. However, the Zoning officer denied Applicants a Zoning Permit. Applicant thinks that the decision of the Zoning Officer to deny the Zoning Permit Application exceeded the

authority of the Zoning Officer, and his decision should be overturned related to the following: 1) The Ordinance permits a non-conforming lot (lot width and lot area/size) to continue when the lot was in existence prior to the Zoning Ordinance

and amendments to the Ordinance; 2) A 2nd floor balcony within the building footprint and Zoning restrictions is a permissible architectural feature that neither is, nor can be, regulated by the Zoning Officer under the Borough's Land Use

Ordinance because it is not a use of land or building or an activity, nor can it be restricted pursuant to the Municipal Land Use Law; and 3) a rear covered first story entranceway porch is a permissible architectural feature that neither is,

nor can be, regulated by the Zoning Officer for the same reasons identified in #2, above.

on the premises located at: 412 LaReine Avenue, Bradley Beach, New Jersey 07720

Street Address

Block 35

Lot 25

as shown on the Municipal Tax Maps and owned, or optioned by this applicant was made; that after due

consideration, the Zoning Enforcement Officer did on the 20th day of July, 2020, declined to issue said permit for the reasons stated in the attached copy of the Zoning Enforcement Officer's Refusal of Permit form.

Applicant feeling aggrieved at the action of the Zoning Enforcement Officer, files this notice of appeal with Said officer, together with the required fee of _____, and requests that action of the Zoning Enforcement Officer be reversed or modified as the facts may be determined and the applicant further requests that a day be fixed for hearing on this appeal and states that the proper notice will be given to all owners of property situated **within two hundred (200) feet** of all property specified above, and others required by statute.

File all copies with Zoning Enforcement Officer, where appeal is sought.

**ZONING BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE**

An application is hereby made for a **(hardship)** (use) variance from the terms of Article(s) and Section (s) 450-12 and 450-13. The request for hardship is as a result of the existing lot being an existing non-conforming lot, which does not conform to lot width (47' exists and is proposed whereas 50' is required pursuant to the Zoning Ordinance for Lots in the R-1 District) and Lot Area (4,704 sq.' exists and 5,000 sq.' is required. There is no additional land that the Applicants can purchase to make the property conforming. Further, relief is requested from the disallowance from a rear covered entrance porch/deck and a 2nd story balcony because neither architectural feature encroaches into any setback or yard area.

DESCRIPTION OF PROPOSED STRUCTURE OR USE

Premises affected known as:

Block 35

Lot 25

Street Address 412 LaReine Avenue, Bradley Beach, New Jersey 07720

Applicant's Name: Scott Isgett and Enza Isgett

Applicant's Address: 56 Dominic Drive, Rockaway, New Jersey 07866

Applicant's Telephone No. Scott: [REDACTED]

Owner's Name: Same as Applicant

Owner's Address: _____

Owner's Telephone No. _____

Lessee's Name: N/A

Owner's Address: _____

Owner's Telephone No. _____

Present Use:

Single Family Residential Dwelling

Size of Lot: 4,704 +/- sq.'

Size of building (s)

Present and/or proposed at street level

Front Footage: 50' per ordinance/ 47' existing and proposed

Deep Footage: 100' permitted / 100' proposed

Percentage of lot occupied by the building(s): 35% permitted / 34.56% proposed

Building(s) Height: 35' permitted / 34.85' proposed

Number of Stories: 2 1/2 permitted / 2 1/2 proposed

Setback footage: Front: 12.7' existing; 20.54' Lot Average & 22.33' proposed

Side: 1.4' & 25' existing / 4.7' & 9.4' permitted / (If corner lot) 5.66' & 14.46' proposed

Zoning Requirements:

Front: 25' (20.54' Average) permitted / 22.33' proposed

Side Yards: 4.7' & 9.4' (5.66' & 14.46' proposed)

Rear Yard: 25' (27.46' proposed)

Setbacks: All setbacks conform to Ordinance

“Prevailing Setback of adjoining buildings within one block: 20.54' Average / 22.33' proposed feet.

Has there been any previous appeal involving these premises? _____ YES X _____ NO

If so, state the character of appeal and the date of disposition:

There has been no prior appeal, but along with this application is an appeal of the Zoning Officers decision that the Applicant's must obtain variance relief from the Zoning Board of Adjustment. It is the Applicant's opinion

that such relief is not necessary and the Plans should have been approved without the need for variances.

Proposed Use:

Applicant proposes a 2 1/2 story single family dwelling. Dimensions, coverage and setbacks will all comply with the Borough Land Use/Zoning Ordinance. If the Appeal of all or any of the Zoning Officer's decision(s) are

denied, applicant requests variances for each such denial, and requests variance approval for lot width of 47'

existing and proposed where 50' is required, lot area/size of 4704 sq.' where 5,000 sq.' required; approval to construct a rear covered porch/deck that will not be constructed in any yard set back area, and/or permission

to construct a 2nd floor covered balcony that is an architectural feature not located in any setback, height or other restricted area as set forth in the Zoning Ordinance.

This application for use variance includes an application for approval of the following:

Subdivision _____ **Site Plan** _____ **Conditional Use** _____

Attached hereto and made a part of this application, I submit the following:

(All of the following papers **must** be submitted with this application.)

- a. The **original** Building Application, **signed** by the Building Official and/or true copy of the Official Order issued by the Building Official and signed by him, where applicable.
- b. **Five (5)** copies of a map showing **all lots within two hundred (200)** feet of the property; if buildings exist thereon, the map shall be a certified **“Location Map”** and clearly indicate such buildings and their approximate locations.
- c. **Five (5)** copies of **Plot Plan** and clearly indicate such buildings thereon with all front, side and rear dimensions.
- d. **Five (5)** copies of the **List of Property Owners** served, indicating method of service on each, the date of service, together with copies of the Post Office Receipts, if any.
- e. **Five (5)** copies of Subdivision, Site Plan, or Conditional Use application, when applicable.

File all copies with the Secretary of the Zoning Board of Adjustment when only a variance is sought.

Signature of Applicant or Agent

Jeffrey P. Beekman, Esq., Attorney for Applicant

Telephone No. 732-774-8262

Email: jeffrey.beekman@beekmanlaw.com

Date: July 29, 2020

NOTICE REQUIREMENTS

Single Family Residential RDwelling

The applicant must submit a written request to the Tax Assessor for a certified list of property owners located within 200 feet in all directions of the property subject to a hearing. This must be accompanied by a fee of \$10.00.

CONTENTS OF NOTICE:

- A. Date, time and place of hearing.
- B. Nature of matters to be considered.
- C. Identification of the property proposed for development by street address, block and lot numbers as shown on current tax duplicate.
- D. Location and times at which maps and documents for which approval is sought are to be available for public inspection.

AT LEAST TEN (10) DAYS PRIOR TO SCHEDULED HEARING:

- A. Publish notice in the Asbury Park Press.
- B. Notify by personal service or certified mail:
 - 1). All property owners within 200 feet.
 - 2). Clerk of adjoining municipality, if located within 200 feet.
 - 3). County Planning Board, if adjacent to existing or proposed County road, adjoining other County land, or situated within 200 feet of boundary.
 - 4). Commissioner of Transportation, if property is adjacent to State highway.
 - 5). Commissioner of the Department of Community Affairs, if development exceeds 150 acres or 500 dwelling units. (include copy of maps and documents required to be on file with secretary.

AFFIDAVITS for both Publication and Notice to Property Owners are required, and are to be submitted at least three (3) days prior to the scheduled hearing, accompanied by a copy of notice sent and list of property owners.

NOTE: The Municipal Agency will notify each applicant of their scheduled hearing date when the application is deemed complete.

NOTICE OF DECISION:

- A. Required on all development applications.
- B. Brief notice to be published in the Asbury Park Press, The Coaster, The Coast Star.
- C. To be arranged by the applicant.
- D. A copy of the affidavit of publication is to be submitted to the Board Secretary.

**BOROUGH OF BRADLEY BEACH CODE/CONSTRUCTION OFFICE
ZONING PERMIT
APPLICATION**

A copy of a current, accurate, scaled survey must be submitted with this application!

PERMIT # _____

Address of Work Site: _____ Block: _____ Lot: _____ Zone: _____

Name of Applicant _____ Phone: _____

Applicant's Address _____

Owner's Name: _____ Address _____

Description of Work to be performed: (circle one) New/Addition or Alteration
 POOL FENCE SHED PATIO DRIVEWAY (describe below)

(print legibly) Please provide a diagram with the details on the survey for the above requests. Thank you

	Existing Lot Size	Proposed	Required	Variance Required?
Width	_____	_____	_____	Yes ____ No ____
Depth	_____	_____	_____	_____
Area	_____	_____	_____	_____
Frontage	_____	_____	_____	_____

	Existing Principal Building	Proposed	Required	Variance Required?
Front Setback	_____	_____	_____	Yes ____ No ____
Rear Setback	_____	_____	_____	_____
Side Setback	_____	_____	_____	_____
Side Setback	_____	_____	_____	_____
Height	_____	_____	_____	_____

(Measured from top of curb)

	Existing Accessory Building	Proposed	Required	Variance Required?
Front Setback	_____	_____	_____	Yes ____ No ____
Rear Setback	_____	_____	_____	_____
Side Setback	_____	_____	_____	_____
Side Setback	_____	_____	_____	_____
Height	_____	_____	_____	_____

(Measured from top of curb)

Distance between Principal and Accessory Dwellings _____

Building Coverage (All structures including covered porches or decks, pools, sheds etc.)

Existing _____ **Proposed** _____ **Max. Allowed 35%** _____

Impervious Coverage (Building coverage in addition to all impervious surfaces)

Existing _____ **Proposed** _____ **Max. Allowed 60%** _____

Does Applicant own Adjoining Property? Yes ____ No ____

Are there Deed Restrictions or Covenants? Yes ____ No ____

If yes, please attach a copy.

