

ZONING BOARD OF ADJUSTMENT
APPLICATION FOR USE VARIANCE AND/OR BULK VARIANCE(S)

Information on Subject Property:

1. Property address: 408 FIFTH AVENUE, BRADLEY BEACH
Block(s) 48 Lot(s) 16 Zone: R1

2. Does the Applicant own adjoining property? ☐ YES ☒ NO

If answer to foregoing is yes, describe location and size of adjoining property: _____

3. An application is hereby made for a variance(s) from the terms of Article(s) and Section(s):

Applicant seeks relief from Ordinance Section 450-12.D prohibiting the enlargement of a non-conforming structure. Applicant seeks a d(2) variance. Applicants seek a variance for the west side yard setback due to the expansion of a non-conforming, a variance for balcony size (Ordinance 450-13c), rear yard setback of 1.9 feet, variance for height of accessory building, relief for elevated deck.

4. Justification/Reasons why each variance should be granted [attach forms as necessary]

The structures are pre-existing and non-conforming. Footprint is not changing. The construction is consistent with size and style in neighborhood. Planner will testify regarding positive and negative criteria.

5. If conditional use is required/requested with this application, detail conformance/deviation from the requirements of the zoning ordinance [attach forms as necessary].

Contact Information:

6. Name of applicant: JOHN DURANDO

Mailing address: 408 FIFTH AVENUE, BRADLEY BEACH, NJ 07720

Phone # [REDACTED] Fax # _____ Cell # _____

E-mail address: [REDACTED]

7. Interest of Applicant if other than owner (i.e. tenant, contract purchaser)(If applicant is not the owner, Owner(s)' Affidavit of Authorization and Consent must be completed & submitted with this application):

N/A

8. Name of present owner: JOHN + DONNA DURANDO

Mailing address: 402 FIFTH AVENUE, BRADLEY BEACH NJ

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

9. Contact Person: _____

Mailing address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

Applicant's Professionals' Information:

10. Name of applicant's Attorney (if applicable)
(Companies/Corporations must be represented): SEAN F. BYRNES

Mailing Address: 195 E. BERGEN PL, RED BANK, NJ 07701

Phone # 732-219-7711 Fax # 732-219-7733 Cell # _____

E-mail address: sbyrnes@byrnesohern.com

11. Name of applicant's Engineer (if applicable): _____

Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

12. Name of applicant's Planner (if applicable): _____

Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

13. Name of applicant's Surveyor: _____

Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

14. Name of applicant's Architect (if applicable): MATT CRONIN
Mailing Address: 129 SHREWSBURY AVENUE, RED BANK, NJ 07701
Phone # 732-747-6363 Fax # 732-747-6966 Cell # _____
E-mail address: matcroninarch@gmail.com

15. Name of applicant's Other Professional (if applicable): ANDREW JANOW
Mailing Address: 315 STATE HWY 34 COLTS NECK NJ 07722
Phone # 732-845-8103 Fax # 732-845-8104 Cell # _____
E-mail address: ajjanow@beacorp/planning.net

Detail Property Information:

(PLEASE INCLUDE INFORMATION FOR EACH ZONE/BLOCK/LOT INVOLVED BELOW – ATTACH ADDITIONAL SHEETS AS NECESSARY)

<u>PRINCIPAL USE:</u>	<u>Required and/or Permitted</u>	<u>Existing</u>	<u>Proposed</u>
Minimum lot area	5000'	7,500	7,500
Minimum lot width	50'	50	50
Minimum lot depth	100'	150	150
Minimum lot frontage			
Minimum front yard setback	25'	25.9 / 15.9 (pach)	25.9 / 15.9
Minimum rear yard setback	25'	90	89
Minimum side yard setback	5/10'	2.6(w) / 12.1(e)	2.6(w) / 12.1(e)
Maximum percent building coverage	35%	28.6%	28.9%
Maximum percent lot coverage	60%	57.6%	57.8%
Maximum number of stories	2.5	2.5	2.5
Maximum building height (in feet)	35'	32	32
Square footage of principal structure			
Off-street parking spaces			
Prevailing Setback of adjacent buildings within the block/within 200 ft.			
<u>ACCESSORY USE/STRUCTURE:</u>	<u>Required and/or Permitted</u>	<u>Existing</u>	<u>Proposed</u>
Minimum front yard setback			
Minimum rear yard setback			
Minimum side yard setback			
Minimum combined side yard setback			
Maximum percent building coverage			
Maximum percent lot coverage			
Maximum number of stories	2	2	2
Maximum building height (in feet)	28	28	28
Square footage of accessory structure			
Distance between principal & accessory structure			
Existing use or uses on the lot:	Residential		
Proposed use or uses on the lot:	Residential		
Is the property located in a special flood hazard area?	NO		

NOTE: Any items that are not applicable to a particular application shall be marked with an "N/A".

Detail Proposed Information:

16. Existing and proposed number of units, if applicable: _____

17. Are any extensions of municipal facilities or utilities involved with this application? Y ☐ N ☐

If answer is YES, describe: _____

18. Are drainage ditches, streams, or other water courses involved with this application? Y ☐ N ☐

If answer is YES, describe: _____

19. Has there been any previous applications before the Planning Board/Board of Adjustment involving these premises? Yes ☐ No ☐ Unknown ☐

If so, when: _____

Result of decision: _____ (attach copy of prior Resolution)

20. Has a Zoning denial been received as part of this application? YES ☐ NO ☐ If yes, please attach.

21. Tax and Assessment payment report indication of all taxes and/or assessment required to be paid attached to this application: ☐ YES ☐ NO

22. Are any easements or special covenants by deed involved with this application?

☐ YES (If yes, attach copy) ☐ NO

AFFIDAVIT OF APPLICATION

State of New Jersey :

: ss

County of MONMOUTH :

JOHN DURANDO being of full age, being duly sworn according to Law, on oath depose and says that all the above statements are true.

[Signature]
(Original Signature of Applicant to be Notarized)

JOHN DURANDO
(Print Name of Applicant)

Sworn and subscribed before me this

11th day of May, 2022

[NOTARY SEAL]

Anna L. Di Carlo

Signature of Notary Public

ANNA L. DICARLO
Notary Public of New Jersey
Commission Expires 10/12/2026

17. Are any extensions of municipal facilities or utilities involved with this application? Y ☐ N ☒

If answer is YES, describe: _____

18. Are drainage ditches, streams, or other water courses involved with this application? Y ☐ N ☒

If answer is YES, describe: _____

19. Has there been any previous applications before the Planning Board/Board of Adjustment involving these premises? Yes ☐ No ☐ Unknown ☒

If so, when: _____

Result of decision: _____ (attach copy of prior Resolution)

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AFFIDAVIT OF APPLICATION

State of New Jersey :

County of Morristown : ss

JOHN DURANDO being of full age, being duly sworn according to Law, on oath depose and says that all the above statements are true.

[Signature]
(Original Signature of Applicant to be Notarized)

JOHN DURANDO
(Print Name of Applicant)

Sworn and subscribed before me this

22nd day of February, 2022

[NOTARY SEAL]

[Signature]
Signature of Notary Public LINDA S. NARDONE
A Notary Public Of New Jersey
My Commission Expires October 10, 2023

SITE VISIT AUTHORIZATION OF PROPERTY OWNER

I hereby authorize any member of the Borough of Bradley Beach Planning Board/Zoning Board of Adjustment, any of said of Board's professionals or reviewing agencies of the Board to enter upon the property which is the subject matter of this application, during daylight hours, for limited purpose of viewing same to report and comment to the Board as to the pending application.

Date: 2/20/2022 [Signature]
Signature of Property Owner

Escrow Agreement

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which will include engineering, legal, planning, architectural, and any other expenses incurred in connection with the review of this application before the Board.

The amount of the Escrow Deposit will be determined by the Borough of Bradley Beach Ordinance Chapter 60. Land Use Procedures Section 60-29. Application fees and escrow requirements. Please see attached for details.

Any request for replenishment of escrow funds shall be due within fifteen [15] days of receipt of the request. If payment is not received within that time, applicant will be considered to be in default, and such default may jeopardize appearance before the Board and/or hold up of any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification of completion by the board's professionals who reviewed the application.

By signature below, I/we acknowledge receipt of the Borough of Bradley Beach's Chapter 60. Land Use Procedures Section 60-29. Application fees and escrow requirements and agree to all conditions listed.

Name of Applicant: JOHN DURANDO
[please print]

Property Address: 408 FIFTH AVENUE Block 48 Lot 16

Applicant's Name: JOHN DURANDO [Signature]
[Print Name] [Signature of Applicant]

Owner's Name: same same
[Print Name] [Signature of Owner]

Date: 2/22/2022

Page No: 1

Tax Year: 2022 to 2022
Property Location: 408 FIFTH AVE

Tax Year: 2022		Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:		3,260.51	3,260.50	0.00	0.00	6,521.01
Payments:		3,260.51	0.00	0.00	0.00	3,260.51
Balance:		0.00	3,260.50	0.00	0.00	3,260.50

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2022 Prin Balance
		Description								
		Original Billed						6,521.01		6,521.01
01/21/22	1	Payment	001	212	CK	16748	1 CL-TAX	3,260.51	0.00	3,260.50
		DURANDO								

Total Principal Balance for Tax Years in Range: 3,260.50

Miscellaneous Payments for Date Range 01/01/22 to 12/31/22:

Date	Type	Code	Check No.	Mthd	Reference	Batch Id	Principal	Interest	Total
01/05/22	Description Payment	560	16702	CK	16628	1 NA-BBC	45.00	0.00	45.00
	408 FIFTH AVE VISCON BUILDERS LLC								
01/25/22	Payment	B09	6446	CK	16774	10 NA-BEACH	165.00	0.00	165.00
	JOHN & DONNA DURANDO								
									210.00