

LAND USE BOARD  
APPLICATION FOR USE VARIANCE AND/OR BULK VARIANCE(S)

Information on Subject Property:

1. Property address: 208 1/2 Newark Ave

Block(s) 10 Lot(s) 25.02 Zone: R-1

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):

Section 45D-26D

a) Lot area 4650sf exists, minimum required 5000 sf.

b) Lot depth 93ft exists, minimum 100ft required.

c) Variance is NOT sought for section 45D-13B(3)

Upper porch on attic level as there is NOT an upper porch on the attic level.

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

See attached:

Hardship arising out of narrowness of the property. Purpose  
of zoning Ordinance would be advanced by deviation from  
Requirements. Benefits outweigh any detriment to the  
public good.

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: Scott and Susan Schwartz

Mailing address: 221 Newark Ave #4 Bradley Beach NJ 07720

Phone # [REDACTED] Fax # [REDACTED] Cell # [REDACTED]

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):

8. Name of present owner: \_\_\_\_\_

Mailing address: \_\_\_\_\_

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): Michael Wenning

Mailing Address: Main St + LaReine Ave PO Box 188 Bradley Beach NJ 07720

Phone # 732 774 1212 Fax # \_\_\_\_\_ Cell # \_\_\_\_\_

E-mail address: mwennig@kwwlawfirm.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: \_\_\_\_\_

**Detail Property Information:**

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

PRINCIPAL USE:	Required and/or Permitted	Existing	Proposed
Minimum lot area	5000 sf	4650 sf	4650 sf.
Minimum lot width	50 ft	50 ft	50 ft.
Minimum lot depth	100 ft	93 ft	93 ft.
Minimum lot frontage	50 ft <del>100 ft</del>	-	50 <del>100</del> ft.
Minimum front yard setback	10.19 ft.	10.19	10.25 ft.
Minimum rear yard setback	25 ft.	-	40 ft.
Minimum side yard setback 5' / 10'	5' / 10'	-	5' / 13'
Maximum percent building coverage	35%	-	34.9'
Maximum percent lot coverage	60%	-	53.8'
Maximum number of stories	2 1/2	-	2 1/2
Maximum building height (in feet)	35'	-	53.8'
Square footage of principal structure			
Off-street parking spaces	2	-	2
Prevailing Setback of adjacent buildings within the block/within 200 ft.		10.19'	10.25'
ACCESSORY USE/STRUCTURE:	Required and/or Permitted	Existing	Proposed
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			
Maximum building height (in feet)			
Square footage of accessory structure			
Distance between principal & accessory structure			
Existing use or uses on the lot:	VACANT		
Proposed use or uses on the lot:	Single Family		
Is the property located in a special flood hazard area?	N/A		

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: Nothing existing - Propose one dwelling

## Attachment - Zoning Variance Justification

### 4. Justification/Reason why each variance should be granted:

We are simultaneously appealing the decision of the zoning officer to deny our application to build a CONFORMING single-family house on a vacant lot but in case this appeal is denied, we are requesting variance relief. Though we feel variance relief should not be required to build a conforming single-family residence on a lot which meets the approved minimum dimensions for existing structures (greater than 4000 sf lot area with greater than 40 ft frontage), we are seeking approval of the LUB for variance relief from the terms in Article/Section 450-26D for a lot WITHOUT an existing structure.

1. On March 9, 2021, an amendment was made to Article/Section 450-12.G "In any residential zone, any existing lot on which a dwelling is located and which lot does not meet the minimum lot size, width or depth...may make improvements to said lot or structures thereon without any appeal for variance relief..." (Ord. No. 2021-5) Also amended by same ordinance on same date was Article/Section 450-26E(2) "The living space of single-family dwellings on lots 4,000 square feet or greater and at least 40 feet of frontage may be up to 2 ½ stories or 35 feet in height.." Our plans are to build a single-family house which is conforming in every way except that it is being built on a lot of 4650 sf with 50 ft frontage WITHOUT an existing structure. The variance for lot size and depth should be approved based on this amendment.
2. We were given written confirmation by the zoning officer representing the Borough of Bradley Beach that this lot was buildable without variance relief PRIOR to making our purchase. We made a decision to go forward with the purchase of our lot BASED UPON HIS CONFIRMATION with the intent to build our retirement home here in Bradley. This was a town official providing his legal viewpoint and affirmation in writing to our attorney. We request the borough honor the decision of its representative.

3. Upon questioning the denial of the zoning application and providing the new zoning officer with this background, we were informed that Section 450-26E(2) addresses living space if a lot is non-conforming and would be applied as guidance for additions. Why would it not also be guidance for building on a vacant lot? She also referenced section 450-12.G "In any residential zone, any existing lot on which a dwelling is located and 1) which lot does not meet the minimum lot size, width, or depth,...may make improvements to said lot or structure thereon without any appeal for variance relief..". She clarified that "this section would permit improvements in certain cases on existing dwellings." Again, why would it be different if there is not a structure on the lot as long as the dwelling being built is conforming?
4. **We are asking for variance relief to the 5000 sf requirement and the 100 ft depth requirements because we meet the dimension requirements of greater than 4000sf area and minimum 40 foot frontage as stated in Article/Section 450-26E(2) for a single-family dwelling.**
5. Our new house will add beauty to the north end of Bradley Beach as well as contribute tax revenue to Bradley Beach Borough. We have been living in Bradley Beach since 2018. We enjoy living in this community and would like to continue to do so for generations to come. Thank you for considering our request.

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/Zoning Board/Land Use Board 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 :

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

✓ Scott Schwartz Susan Schwartz  
(Original Signature of Applicant to be Notarized)

Scott Schwartz Susan Schwartz  
(Print Name of Applicant)

Sworn and subscribed before me this

14<sup>th</sup> day of March, 2023

[NOTARY SEAL]

Wenning  
Signature of Notary Public Michael J. Wenning, Esq.  
ATTY AT LAW, N.J.

### SITE VISIT AUTHORIZATION OF PROPERTY OWNER

*I hereby authorize any member of the Borough of Bradley Beach Land Use Board, 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: 3/13/23

*Arman Schwartz*  
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: Scott + Susan Schwartz  
[please print].

Property Address: 208 1/2 Newark Ave Block 10 Lot 25.02

Applicant's Name: SCOTT J SCHWARTZ Susan Schwartz  
[Print Name]

*Scott J Schwartz*  
[Signature of Applicant]

Owner's Name: \_\_\_\_\_  
[Print Name]

*Arman Schwartz*  
[Signature of Owner] *He is same as applicant*

Date: \_\_\_\_\_

