

8. Type of application presented:

- Appeal from decision of Zoning Official (N.J.S.A. 40:55D-70a)
- Interpretation of Zoning Ordinance or Zoning Map (N.J.S.A. 40:55D-70b)
- Hardship Variance (N.J.S.A. 40:55D-70c(1))
- Flexible (C)/balancing benefits and detriments (N.J.S.A. 40:55D-70c(2))
- Use Variance (N.J.S.A. 40:55D070d)
 - (1) Use or principal structure
 - (2) Expansion of non-conforming use
 - (3) Deviation from conditional use standard
 - (4) Increase in permitted floor area ratio
 - (5) Increase in permitted density
 - (6) Height of principal structure greater than 10 feet or 10% of maximum height permitted
- Permit to build in street bed (N.J.S.A. 40:55D-34)
- Permit to build where lot does not abut street (N.J.S.A. 40:55D-36)
- Site plans (N.J.S.A. 40:55D-76)
- Major
 - Preliminary
 - Final
- Minor
- Waiver of site plan itself
- Subdivision (N.J.S.A. 40:55D-76)
- Minor
- Major
 - Preliminary
 - Final
- Waivers from subdivision and/or site plan standards
- Other

9. Request is made for permission to Construct rear yard pool at pre-existing non-conforming structure

(Describe type of variance sought)

Alteration/ addition to pre-existing non-conforming structure and any other variances deemed necessary.

contrary to the requirements of Sections: 185-37

of the Dennis Township Land Use and Development Ordinances, Dennis Township Code Chapters 98, 165 and 185.

10. Supply the following information concerning this application. Place an asterisk to the left of the description of all items for which variances are sought.

	<u>EXISTING CONDITION</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED</u>	<u>VARIANCE REQUIRED YES/NO</u>
LOT SIZE:				
Lot Area	59,250	35,000	N/A	No
Lot Frontage	192	100	N/A	No
Lot Width	192	100	N/A	No
Lot Depth	310	200	N/A	No
PRINCIPAL BUILDING				
Side Yard, each	65.6, 29.2	30	N/A	No
Front Yard	47.0	Varies	N/A	No
Rear Yard	156+/-	70	N/A	No
Building Height	Conforming			
ACCESSORY BUILDING				
Side Yard, each	25.4, 127+/-	5	N/A	No
Rear Yard	146	5	N/A	No
Distance to Other Buildings	25+/-		N/A	No
Building Height	Conforming			
MAXIMUM COVERAGE				
Principal Building %	5.9%	10%	N/A	No
Accessory Building %	4.1%	3.5%	N/A	No
GROSS FLOOR AREA				
Principal Building				

Accessory Building

	<u>EXISTING</u> <u>CONDITION</u>	<u>REQUIRED BY</u> <u>ORDINANCE</u>	<u>PROPOSED</u> <u>VARIANCE</u> <u>REQUIRED</u>	
				<u>YES/NO</u>
PARKING				
No. of Spaces	8+		Existing	No
SIGNS				
Size	N/A			
Number				
Type (free standing or building mounted)				

11. Has there been any previous appeal, request or application to this Board or to the Planning Board involving these premises? If yes, state the nature of application, date of application, date of hearing and result received from Board.
- Not to our knowledge
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BY LAW, VARIANCES CAN ONLY BE GRANTED WHERE THE APPLICANT IS ABLE TO SATISFY BOTH POSITIVE AND NEGATIVE CRITERIA ESTABLISHED BY THE MUNICIPAL LAND USE LAW. NO VARIANCE RELIEF OF ANY TYPE MAY BE GRANTED UNLESS THE VARIANCE OR RELIEF CAN BE GRANTED WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND WITHOUT SUBSTANTIALLY IMPAIRING THE INTENT AND PURPOSE OF THE ZONE PLAN AND ZONING ORDINANCE. HARDSHIP VARIANCES OF THE ZONE PLAN AND ZONING ORDINANCE. HARDSHIP VARIANCES (40:55dc(1)) CAN ONLY BE GRANTED WHERE AN EXCEPTIONAL CONDITION EXISTS WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, WHERE EXCEPTIONAL TOPOGRAPHICAL CONDITIONS OR PHYSICAL FEATURES UNIQUELY AFFECT A SPECIFIC PIECE OF PROPERTY OR WHEREBY REASON OF AN EXTRAORDINARY AND EXCEPTIONAL SITUATION UNIQUELY AFFECTING A SPECIFIC PIECE OF PROPERTY OR THE STRUCTURES LAWFULLY EXISTING THEREON THE STRICT APPLICATION OF THE ZONING REQUIREMENT WOULD RESULT IN PECULIAR AND EXCEPTIONAL PRACTICAL DIFFICULTIES TO OR EXCEPTIONAL AND UNDUE HARDSHIP UPON THE DEVELOPER OF THE PROPERTY. RELIEF UNDER THE FLEXIBLE C TYPE VARIANCE (N.J.S.A. 40:55D-70c(2)) CAN ONLY BE GRANTED WHERE, WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, THE PURPOSES OF THE MUNICIPAL LAND USE LAW WOULD BE

ADVANCED BY A DEVIATION FROM THE ZONING ORDINANCE REQUIREMENT AND THE BENEFIT OF THE DEVIATION WOULD SUBSTANTIALLY OUTWEIGH ANY DETRIMENT. USE, AND RELATED VARIANCES (N.J.S.A. 40:55d-70d) CAN ONLY BE GRANTED WHERE THERE ARE SPECIAL REASONS AS SPECIFIED BY THE MUNICIPAL LAND USE LAW. THE BURDEN IS UPON THE APPLICANT TO PROVIDE PROOF OF SATISFACTION OF THE AFORESAID REQUIREMENTS APPLICABLE TO HIS APPLICATION.

A SHORT SUMMARY OF THE REASONS WHY YOU ARE ENTITLED TO THE RELIEF SOUGHT FROM THE ZONING BOARD OF ADJUSTMENT SHALL BE PROVIDED ON A SEPARATE SHEET OF PAPER AND ENUMERATED WITH THE APPROPRIATE PARAGRAPH NUMBER UNDER WHICH THE RELIEF IS SOUGHT, (PARAGRAPHS NO. 12-15)

12. Attach to this application a statement of the facts showing why the relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Dennis Township Zoning Plan and Zoning Ordinance. State why the variance can be granted without substantial harm to the neighborhood and without significant overturning of the Township Zoning Plan.
13. Attach to this application a statement specifying the hardship/exceptional conditions of the specific property involved justifying the granting of a variance pursuant to N.J.S.A. 40:55D-70c(1). State what is unique about your specific piece of property noting such things as an exceptionally narrow, deep, or otherwise unusually shaped lot; physical features located on the lot that prevent its use in a normal manner that would be allowed by the existing zoning; the specific location of existing structures that limit compliance with the required zoning. Note how the circumstances relating to your particular lot differ from other lots in the neighborhood. State what hardships would result should the variance not be granted to you.
14. Attach to this application a statement setting forth the facts supporting the contention that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning requirements in question and the benefits of that deviation would substantially outweigh any detriment pursuant to N.J.S.A. 40:55D-70c(2). Among the purposes of the Municipal Land Use Law are following: promotion of public health, safety and welfare; provision of adequate light, air and open space; establishment of appropriate population densities; provision of sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space; promotion of a desirable visual environment; conservation of historic sites, districts, open space and natural resources; encouragement of senior citizens housing. Cite which of these apply to your application and further, cite the characteristics of your land that will present an opportunity for improved zoning and planning to benefit the community.
15. Attach to this application a statement setting forth the special reasons for granting this variance pursuant to N.J.S.A. 40:55D-70d. "Special Reasons" exist where a proposed project carries out a purpose of zoning, (such as those noted in Section 14 above) or where the refusal to allow the project would impose an undue hardship on you; state why

the property at issue cannot reasonably be developed with a use permitted by the Zoning Ordinance.

16. Set forth specifically the determination of the Zoning Official from which an appeal has been filed and the basis for the appeal. (N.J.S.A. 40:55D-70a)

17. Set forth specifically the Zoning Ordinance section and provisions and/or the portion of the Zoning Map for which an interpretation from the Zoning Board is sought. Set forth the interpretation sought by the applicant. (N.J.S.A. 40:55D-70b)

18. All applicants must supply with this application the required fees (application and escrow) the necessary survey, plan, and plat and the following Zoning Board of Adjustment forms together with all attachments required in connection with the forms:

ZB-1 Application form including verification of application
ZB-2 Survey, plan, plat affidavit
ZB-4 Escrow, fees and application fees
ZB-5 Proof of payment of taxes
ZB-6 Notice of hearing
ZB-7 Affidavit of Service
ZB-10 Applications involving subdivisions
ZB-11 Applications involving Site Plans

19. For undersized lot cases only, the following additional forms are supplied.

Notice to Applicant's Concerning Undersized Lots.
ZB-8 Applicant's Offer to Abutting Property Owners.
ZB-9 Response to Abutting Property Owners.

20. List the names, addresses, telephone and fax numbers and professions of any and all professionals employed by the applicant in completing the application to the Zoning Board of Adjustment and/or intended to be called as witnesses at the hearing on the application.

Name: Address: Phone: Fax: E-Mail:

PROFESSIONAL PLANNER TBD

VERIFICATION OF APPLICATION
(Indicate Status of Applicant Below)

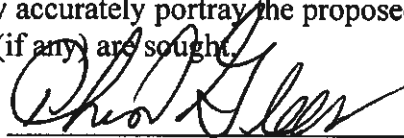
- Applicant is owner of property
- Applicant is not owner of property but has an Agreement of Sale and the consent of the owner to make this application.
- Other (specify)

STATE OF NEW JERSEY:

SS

COUNTY OF CAPE MAY:

THOMAS D. GLEESON, being of full age and duly sworn according to law, upon his/her oath, deposes and says that the information set forth in the variance application, survey, subdivision plan, site plan and related documents submitted in connection with this application is true and correct and that they accurately portray the proposed project for which variance relief and accompanying approvals (if any) are sought.



Applicant's Signature

Sworn and subscribed to before me this 14 day of March, 2022.



Notary Public

My Commission Expires: _____

MAIGHDA-CAIT MOIRIN GLEESON
A Notary Public of New Jersey
My Commission Expires November 14, 2022

CONSENT TO APPLICATION BY OWNER OF PREMISES
(Need not be signed if Owner is Applicant)

I hereby consent to the application submitted to the Dennis Township Zoning Board of Adjustment with regard to the premises referred to in this application which premises is owned by me.

Owner's Signature

Sworn and subscribed to before me this _____ day of _____, 20____.

**DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW FEES AND APPLICATION FEES**

Applicant's Name: Thomas D. Gleeson
Address: 308 Main Street
Cape May Court House, NJ 08210

Address of Property: 308 Main Street, South Seaville, NJ
Subject to the Application: (Street Address): _____

Block: 245 Lot (s): 25

Amount of required Escrow: \$ 250.00

Amount of required Application Fees: \$ 1000.00

All escrow funds shall be deposited by the applicant with the Municipal Treasurer who shall, in turn, deposit them in a separate escrow account and carry them under the Township's Trust Fund section of accounts on the books of the Township as a professional, inspection and consulting fee escrow fund. Said escrow fund shall be used to pay the fees of professional personnel employed to assist the Dennis Township Zoning Board of Adjustment in review of the application, to prepare Board Resolutions and other legal documents relating to the application, and to inspect and approve construction. Professional fees shall be billed through the Municipality's voucher system and approved for payment by the Zoning Board of Adjustment. Any excess of funds remaining in the escrow account at the time when all required improvements have been finally accepted and all professional work completed shall be returned to the applicant. If at any time it become evident that the escrow account is or will be insufficient to cover said fees, the developer shall increase the fund as required by the appropriate Zoning Board of Adjustment Official having jurisdiction over the matter.

The application fee is non-refundable and is a separate charge from the escrow fee.

I understand and consent to the foregoing.

Date: 3/14/22

Applicant: 

**DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT
APPLICATIONS INVOLVING SITE PLANS**

Whenever a proposed development requires approval of a subdivision or site plan in addition to a use variance, the applicant may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of subdivision, site plan or conditional use. The separate approval of the use variance shall be conditioned upon the granting of all required subsequent approvals by the Board of Adjustment.

When an applicant submits an application for subdivision, site plan or conditional use approval at the same time as an application for a use variance, and there are contradictions between the requirements of the respective applications as to number of copies of application form or plans, information required or other items, the most stringent (the most demanding) requirements shall apply. When submitting applications for a use variance and other approvals such as subdivisions or site plans, all application fees for the respective items must be submitted with the application itself.

In cases where the applicant seeks approval for premises located within the Pinelands area, the applicant must adhere to all requirements set forth in Township Code Chapters 165 (Subdivision of Land) and 185 (Zoning).

GENERAL INFORMATION:

Present use: _____ *N/A* _____

Proposed use: _____

Size of proposed building: _____ (depth) _____ (width) _____ (height) _____

(no. of stories) _____ (total sq. footage) _____ (no. of units involved) _____

Waivers sought for (describe type of waivers sought and specify the Ordinance Section listing the items for which waivers have been sought) _____

MINOR SITE PLAN (AND SITE PLAN WAIVERS)

Definition: See Dennis Township Code Section 165-59B (Minor Site Plans) and 165-59A (Waivers).

Procedures for Submission: See Dennis Township Code Section 165-51.

Plan Details: See Dennis Township Code Sections 165-59A, C and 165-54B.

PRELIMINARY MAJOR SITE PLAN

Procedures for Submission: See Dennis Township Code Section 165-51.

Plan Details: See Dennis Township Code Section 165-54B(1) and (2).

FINAL MAJOR SITE PLAN

Procedure for Submission: See Dennis Township Code Section 165-51

Plan Details: See Dennis Township Code Section 165-55B

**DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT
APPLICATIONS INVOLVING SUBDIVISIONS**

Whenever a proposed development requires approval of a subdivision or site plan in addition to a use variance, the applicant may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of subdivision, site plan or conditional use. The separate approval of the use variance shall be conditioned upon the granting of all required subsequent approvals by the Board of Adjustment.

When an applicant submits an application for subdivision, site plan or conditional use approval at the same time as an application for a use variance, and there are contradictions between the requirements of the respective applications as to number of copies of application form or plans, information required or other items, the most stringent (the most demanding) requirements shall apply. When submitting applications for a use variance and other approvals such as subdivisions or site plans, all application fees for the respective items must be submitted with the application itself.

In cases where the applicant seeks approval for premises located within the Pinelands area, the applicant must adhere to all requirements set forth in Township Code Chapters 165 (Subdivision of Land) and 185 (Zoning).

GENERAL INFORMATION

Number of existing lots: N/A

Number of lots after subdivision: _____

Area of entire tract: _____

Waivers sought for (describe type of waivers sought and specify the Ordinance Section listing the items for which waivers have been sought) _____

MINOR SUBDIVISION (AND SKETCH PLATS)

Definition: See Dennis Township Code Section 165-7.

Procedures for Submission: See Dennis Township Code Section 165-9

Plat Details: See Dennis Township Code Section 165-10.

PRELIMINARY MAJOR SUBDIVISION

Definition: Major Subdivisions are all subdivisions not classified as minor subdivisions.

Procedures for Submission: See Dennis Township Code Section 165-12.

Plat Details: See Dennis Township Code Section 165-15.

FINAL MAJOR SUBDIVISIONS

Procedures for Submission: See Dennis Township Code Section 165-18.

Plat Details: See Dennis Township Code Section 165-20.

**RESPONSE OF ABUTTING PROPERTY OWNERS
UNDERSIZED LOT CASES**

Re: Applicant: N/A
Block(s): _____ Lot(s) _____
Township of Dennis

1. We have an interest in purchasing the Applicant's property (Yes) or (No) _____

2. We are willing to pay \$ _____

3. We have an interest in selling our property (Yes) or (No) _____

4. We are willing to sell our property for \$ _____

5. We have an interest in selling a portion of our property consisting of _____ square feet (Yes) or (No) _____

6. We are willing to sell the property described in #5 for \$ _____

7. We will be in attendance at the Zoning Board hearing on the application to give our testimony (Yes) or (No) _____

Signature: _____

Signature: _____

Dated: _____

Note: You may send a copy of this response directly to the Zoning Board Administrator as follows:

Dennis Township Zoning Board of Adjustment
Dennis Township Hall
571 Petersburg Road
P.O. Box 204
Dennisville, New Jersey 08214

**APPLICANT'S OFFER TO ABUTTING
PROPERTY OWNERS
UNDERSIZED LOT CASES**

TO: Mr./Mrs. N/A
Owners of Block(s): _____ Lot(s): _____
Street Address: _____

Re: Application # _____

Dear Mr./Mrs. _____

I have made application to the Dennis Township Zoning Board of Adjustment for a variance(s) to construct a single-family resident (or other structure as applicable) on Block(s) _____, Lot(s) _____, which abuts your property. This letter is to inquire whether you would be interested in selling me your lot or a portion of your lot in order to make my lot conform or more nearly conform with the current Dennis Zoning Ordinance. In the alternative, you may have an interest in purchasing my lot at the "fair market value" which in this instance means a building lot price as if the variance had been granted.

It is my intention to demonstrate to the Dennis Township Zoning Board that a "hardship" exists as I am unable to either acquire land or sell my land at its fair market value.

If you have any interest in selling your lot(s), or a portion of your lot(s) to me or in purchasing my lot, please indicate on the enclosed response letter your position with respect to this application. The Dennis Township Zoning Board Hearing on the undersigned's Variance Application is scheduled for _____, at which time a copy of this letter and any response you will be offered into evidence.

Enclosed is a stamped-return addressed envelope for your convenience. You may, of course, attend the Zoning Board Hearing and give testimony concerning your position.

Sincerely yours,

Applicant: _____

Applicant's Telephone Number: (Home)() _____ (cell) _____
(Work) () _____

CERTIFIED MAIL-RRR # _____
AND REGULAR MAIL

cc: Zoning Board of Adjustment Administrator

DENNIS TOWNSHIP ZONING BOARD NARRATIVE

12. The property in question is a 59,520 sq ft lot with a pre-existing residence with rear garage apartment. As such, it contains pre-existing non-conforming structures. Applicant is the owner of the property and occupant of the rear garage apartment. Applicant wishes to add a permitted accessory use rear yard in-ground pool as shown on the plans which is deemed an addition/ alteration of a non-conforming structure. The pool for which relief is requested will not significantly affect light, air, open space nor cause any detriment to the public good. As indicated, it will be located in the property rear yard behind the rear garage apartment residence.

13, 14. The requested relief is required because the property contains two pre-existing non-conforming residential structures. The pre-existing condition imposes a hardship in itself and the relief can be granted without any substantial detriment to the public good or intent of the Zoning Ordinance given the nature of and location of the proposed pool.