

1. Name and address of applicant:
Name: Poznek Family Holdings 3, LLC
Address: 1830 Herbert Blvd., Williamstown, NJ 08094
2. Applicant's telephone number: Applicant's fax number:
Home: c/o: 609-463-4601 Home: c/o 609-463-4606
Work: Work:
3. Property owner's name, address and telephone number if different from No. #1 above.
Name: Same as Applicant
Telephone:
Address:
4. Relationship of applicant to owner: Same as Applicant

If holder of Contract to purchase attach copy of Contract.

If other than Contract Purchaser, explain status and attach written agreement signed by seller consenting to the application.
N/A
5. If applicant is a corporation or partnership, list all stockholders or partners owning 10% or more of the corporation or partnership and list their respective names, addresses and telephone numbers:

Name: N/A	Name:
Address:	Address:
Name:	Name:
Address:	Address:
6. Location of premises:
Street address 2684 US Route 9
Tax Block: 237 Tax Lot (s): 2
Tax Map Sheet No.:
7. Zoning District in which premises is located: R-3

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 provide retail sales of golf carts from this location. No change to the property is proposed. The storage building on site would be used for storage/warehouseing of vehicles for local deliveries.

(Describe type of variance sought)

Use variance
contrary to the requirements of Sections: 185-14
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</u> <u>CONDITION</u>	<u>REQUIRED BY</u> <u>ORDINANCE</u>	<u>PROPOSED</u>	<u>VARIANCE</u> <u>REQUIRED</u> <u>YES/NO</u>
LOT SIZE:				
Lot Area			See attached survey. Property would remain "as is" with no proposed changes. The storage building on site would be used for storage/warehousing of vehicles for local deliveries.	
Lot Frontage				
Lot Width				
Lot Depth				
PRINCIPAL BUILDING				
Side Yard, each				
Front Yard				
Rear Yard				
Building Height				
ACCESSORY BUILDING				
Side Yard, each				
Rear Yard				
Distance to Other Buildings				
Building Height				
MAXIMUM COVERAGE				
Principal Building %				
Accessory Building %				
GROSS FLOOR AREA				
Principal Building				

Accessory Building

	EXISTING <u>CONDITION</u>	REQUIRED BY <u>ORDINANCE</u>	<u>PROPOSED</u>	VARIANCE REQUIRED <u>YES/NO</u>
PARKING No. of Spaces	See attached survey. Property would remain "as is" with no proposed changes. The storage building on site would be used for storage/warehousing of vehicles for local deliveries.			
SIGNS Size				
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.
 2004- Use variance approval for three uses on site (residential, garage meeting room, and garage storage) via resolution 04-12. 1984 Use variance for retail approval.

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)

N/A

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)

N/A

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: Louis A DeLollis- Monzo Catanese Hillegass
Address: 211 Bayberry Drive, Suite 2A, Cape May Court House, NJ 08210
Phone: 609-463-4601
Fax: 609-463-4606
E-Mail: ldelollis@mchlegal.com

Name: Brian Seidel - Seidel Planning & Design
Address: 7103 E. High Street, Pattstown, PA 19464
Phone: 610-323-8752
Fax: _____
E-Mail: bseidel@seidelplanning.com

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

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

VERIFICATION OF APPLICATION

(Indicate Status of Applicant Below)

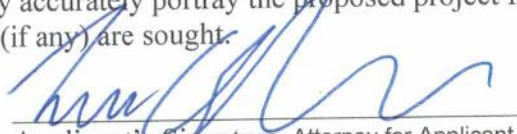
X _____ Applicant is owner of property
_____ Applicant is not owner of property but has an Agreement of Sale and the consent
_____ of the owner to make this application.
_____ Other (specify)

STATE OF NEW JERSEY:

SS

COUNTY OF CAPE MAY:

Louis A. DeLollis, Esquire _____, 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.



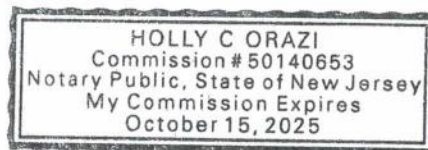
~~Applicant's Signature~~ Attorney for Applicant

Sworn and subscribed to before
me this 13 day of April,
2022.



Notary Public

My Commission Expires: 10/15/25



DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT

SURVEY/PLAN/PLAT AFFIDAVIT

STATE OF NEW JERSEY:

SS


COUNTY OF CAPE MAY:

Louis A. DeLollis, Esquire, being duly sworn according to law, upon his oath deposes and says:

1. I am the owner of the property known and identified as Block 237, Lot(s) 2, in the Township of Dennis or I am the applicant for development in this matter.

2. The attached sealed survey/plan/plat prepared by Erik F. Valentin, and dated January 14, 2022, accurately reflects the physical condition of the property as of the date of this Affidavit and there have been no changes or alterations to the property since the date of the sealed survey/plan/plat.

3. I make this Affidavit in support of an application for development before the Dennis Township Zoning Board of Adjustment and understand that said Board shall rely on the current accuracy of the said survey/plan/plat in considering the application for development of the property.


Signature - ~~Owner/Applicant~~ Attorney for Applicant

Sworn to and subscribed
before me this 13
day of April, 2022.
Holly C. Orazi
Notary Public
New Jersey



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

Applicant's Name: Poznek Family Holdings 3, LLC
Address: 1830 Herbert Blvd., Williamstown, NJ 08094
Address of Property: 2684 US Route 9, Ocean View, NJ 08230
Subject to the Application: (Street Address): 2684 US Route 9

Block: 237 Lot (s): 2

Amount of required Escrow: \$ 1,500.00

Amount of required Application Fees: \$ 500.00

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: 4/13/2022 Applicant: 







SCHEDULE I

(Note: To be considered as part of application for a Variance.)

FOR APPLICATION INVOLVING A USE VARIANCE, THE APPLICANT MUST ATTACH A NARRATIVE SETTING FORTH THE SPECIAL REASONS WHY THE APPLICANT SHOULD BE ENTITLED TO THE BOARD'S APPROVAL.

The Applicant, Poznek Family Holdings 3, LLC, owns a business known as Mikes Golf Carts, which sells street-legal golf carts. Applicant's main business location is in Williamstown, New Jersey. However, Applicant is in need of a place for the storage of golf carts closer to the shore area. Accordingly, Applicant is proposing to store golf carts at his property located at 2684 US Rt 9 north, Ocean View. He has been using this as a warehouse for the business since January, but needs approval for retail sales. The site contains a single-family residence and various other buildings and is located in the R-3 Zone. No site improvements are proposed at this time.

Applicant requires a use variance to provide retail sales from the site pursuant to N.J.S.A. 40:55D-70(d). As the site will not change, no additional variance relief is requested.

The proposed use variance 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 because the Applicant's retail sales business will be minimal and will have no impact on the adjacent properties. The site will not change at all and the proposed change will better the area.

The following special reasons exist for the requested use variance: (a) to encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare; (e) to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment; and (g) to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.

The Applicant reserves the right to supplement the foregoing narrative with expert testimony at the time of hearing.