

TOWNSHIP OF DENNIS
ZONING BOARD OF ADJUSTMENT
APPLICATION FORM

1. Name and address of applicant:
Name: The Richard A. Hocker Revocable Trust and The Marcia A. Hocker Revocable Trust
Address: 6421 SE Harbor Circle, Sailfish Point, Stuart FL 34996

2. Applicant's telephone number: 772-708-5318 Applicant's fax number:
Home: 772-708-5318 Home: _____
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: _____	Name: _____
Address: _____	Address: _____
_____	_____

Name: _____	Name: _____
Address: _____	Address: _____
_____	_____

6. Location of premises:
Street address 163 Fidler Road
Tax Block: 67 Tax Lot (s): 21, 22, 23, 24, 25, 26 and 27
Tax Map Sheet No.: 17

7. Zoning District in which premises is located: Pineland Village District

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 consolidate the seven (7) existing lots into two (2) lots. Proposed Lot 21.01 has two existing dwellings, which requires a use variance. Proposed Lot 21.01 also requires a variance
(Describe type of variance sought)
for accessory building side yard setback whereby 10' is required and .7' is proposed
contrary to the requirements of Sections: 185-26
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		3.2 Acres	Lot 21.01: 7.88 acres Lot 21.02: 4.33 acres	No
Lot Frontage		100 ft	Lot 21.01: 432 Ft Lot 21.01: 108 Ft	No
Lot Width		100 Ft	Lot 21.01: 432 Ft Lot 21.02: 108 Ft	No
Lot Depth		250 Ft	Lot 21.01: 993 Ft Lot 21.02: 993 Ft	No
PRINCIPAL BUILDING				
Side Yard, each		15 Ft	Lot 21.01: 73.5 Ft Lot 21.02: 15 Ft	No
Front Yard		200 Ft	Lot 21.01: 505.8 Ft Lot 21.02: 200 Ft	No
Rear Yard		50 Ft	Lot 21.01: 217 Ft Lot 21.02: 50 Ft	No
Building Height		30 Ft	Lot 21.01: 27.01 Ft Lot 21.02: 30 Ft	No
ACCESSORY BUILDING				
Side Yard, each		10 Ft	Lot 21.01: 0.7 Ft Lot 21.02: 10 Ft	Yes at to Lot 21.01
Rear Yard		10 Ft	Lot 21.01: 256 Ft Lot 21.01: 10 Ft	No
Distance to Other Buildings		10 Ft	Lot 21.01: 47.4 Ft Lot 21.02: 10 Ft	No
Building Height				
MAXIMUM COVERAGE				
Principal Building %	N/A	5%	Lot 21.01: 1.2% Lot 21.02: 5%	No
Accessory Building %	N/A	1%	Lot 21.01: 0.9% Lot 21.02: 1%	No
GROSS FLOOR AREA				
Principal Building		1000 sf	>1,000 sf.	No

Accessory Building

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

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.

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 UNDUCE 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: The Martinelli Group, LLC - Stephen C. Martinelli
Address: 1217 S. Shore Road, Suite 106, Ocean View, New Jersey 08230
Phone: 609-390-9618
Fax: 609-390-9534
E-Mail: _____

Name: Anlhony P. Monzo, Esquire
Address: 211 Bayberry Drive, Suite 2A, Cape May Court House, NJ 08210
Phone: 609-463- 4601
Fax: 609-463-4606
E-Mail: lnewcomb@mchlegal.com

Name: Vincent C. Orlando, L.L.A., P.E., P.P., C.M.E.
Address: 5 Cambridge Drive, Oceanview, New Jersey 08230
Phone: 609-390-0332
Fax: _____
E-Mail: vorlando@engineeringdesign.com

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

**The Richard A. Hocker Revocable Trust and The Marcia A. Hocker Revocable Trust
163 Fidler Road
Block 67, Lots 21, 22, 23, 24, 25, 26 and 27**

JUSTIFICATION FOR RELIEF SOUGHT

The Applicant is to consolidate seven existing lots into two larger parcels. Not lot lines will be moves. Proposed Lot 21.01 has two existing dwellings on it which are proposed to remain, and which require a use variance; one of which is an apartment on the second floor of a barn that has existed since the mid 1980's. Proposed Lot 21.01 also requires a variance for accessory building side yard setback whereby 10' is required and .7' is proposed.

12. The proposed variances 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 this is a pre-existing condition at this property. The Applicant is simply consolidating lots. The property is consistent with those others in the area, and the two dwellings are not visible from the road.

13. Variance relief for the accessory building side yard setback is appropriate pursuant to N.J.S.A. 40:55D-70(c)(1). The existing physical features of the property make it impossible to comply with the side yard setback without demolishing or moving the existing shed. The adjacent property is also heavily wooded and there is nothing close to the property line which is impacted by the location of shed.

15. Variance relief is appropriate pursuant to N.J.S.A. 40:55D-70d., as the following purposes of municipal land use law are advanced:

- c. To provide adequate light, air and open space;
- 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;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement; and
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land.

The benefits of the deviation from the zoning requirements substantially outweigh any detriment.

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) Attorney for Applicant

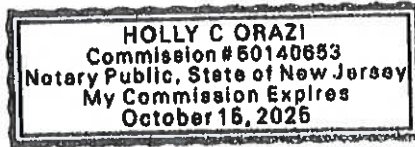
STATE OF NEW JERSEY:
SS
COUNTY OF CAPE MAY:

Anthony P. Monzo, 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 14 day of December 2021.

Holly C. Orazi
Notary Public
My Commission Expires: 10/15/25



DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT

SURVEY/PLAN/PLAT AFFIDAVIT

STATE OF NEW JERSEY:

SS

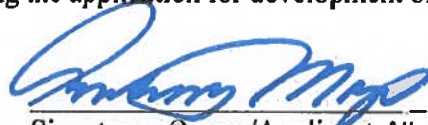
COUNTY OF CAPE MAY:

Anthony P. Monzo, 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 67, Lot(s) 21, 22, 23, 24, 25, 26 and 27 in the Township of Dennis or I am the applicant for development in this matter.

2. The attached sealed survey/plan/plat prepared by The Martinelli Group, LLC, and dated 9/27/2021, 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.

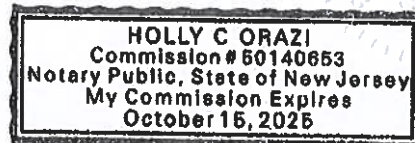
3. I make this Affidavit in support of an application for development before the Dennis Township Zoning Board of Adjustment and understand that said Board shall rely on the current accuracy of the said survey/plan/plat in considering the application for development of the property.



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

Sworn to and subscribed
before me this 14th
day of December, 2021.

Holly C. Orazi
Notary Public
New Jersey



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

Applicant's Name: The Richard A. Hocker Revoable Trust and The Marcia A. Hocker Revocable Trust
Address: 6421 SE Harbor Circle, Sailfish Point, Stuart FL 34996
Address of Property: 163 Fidler Road
Subject to the Application: (Street Address): 163 Fidler Road

Block: 67 Lot (s): 21, 22, 23, 24, 25, 26 and 27

Amount of required Escrow: \$ 2,500

Amount of required Application Fees: \$ 500

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: December 14, 2021

Attorney for
Applicant:







163 Fidler Rd,
Woodbine, NJ 08270