

**TOWNSHIP OF DENNIS
ZONING BOARD OF ADJUSTMENT
APPLICATION FORM**

1. Name and address of applicant:

Name: James & Debbie Rogers
Address: 145 Fidler Road

2. Applicant's telephone number:

Home: 609-425-5538
Work: _____

Applicant's fax number:

Home: _____
Work: _____

3. Property owner's name, address and telephone number if different from No. #1 above.

Name: N/A Telephone: _____
Address: _____

4. Relationship of applicant to owner: SELF

If holder of Contract to purchase attach copy of Contract. N/A

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
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

6. Location of premises:

Street address 145 Fidler Road
Tax Block: 67 Tax Lot (s): 31
Tax Map Sheet No.: _____

7. Zoning District in which premises is located: Residential

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 Build Pole Barn
Storage Workshop
(Describe type of variance sought) In Front Yard
contrary to the requirements of Sections: 185-31 D
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 YES/NO</u>	<u>VARIANCE REQUIRED</u>
<u>LOT SIZE:</u>				
Lot Area				
Lot Frontage				
Lot Width				
Lot Depth				
<u>PRINCIPAL BUILDING:</u>				
Side Yard, each				
Front Yard				
Rear Yard				
Building Height				
<u>ACCESSORY BUILDING:</u>				
Side Yard, each	NONE	35'	YES	SEE ATTACHED STATEMENT
Rear Yard	NONE	35'	YES	
Distance to Other Buildings	NONE	20'	YES	
Building Height	NONE			
<u>MAXIMUM COVERAGE:</u>				
Principal Building %				
Accessory Building %				
<u>GROSS FLOOR AREA:</u>				
Principal Building				
Accessory Building				

<u>EXISTING CONDITION</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED YES/NO</u>	<u>VARIANCE REQUIRED</u>
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PARKING:

No. of Spaces

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.

APPLIED FOR PERMIT IN 2004 FOR ROUTINE
ADDITIONAL APPLICATION RECEIVED AND APPROVED

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.

JAMES AND DEBBIE MOOERS
145 FIDLER ROAD
DENNISVILLE, NJ 08214
(609)425-5538

STATEMENT OF FACTS IN SUPPORT OF RELIEF SOUGHT

This Statement of Facts in support of our requested relief is respectfully submitted in accordance with **paragraph #12** of the Township of Dennis, Zoning Board of Adjustment, Application Form.

The facts presented below support the applicant's contention that the relief sought will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the Dennis Township Zoning Plan and Zoning Ordinance. Further, we believe the variance can be granted without substantial harm to the neighborhood and without significant overturning of the Township Zoning Plan.

The application pertains to the applicant's residence at 145 Fidler Road (Block 67; Lot 31) which consists of 3.61 acres (+-). The applicant wishes to build a 36' x 24' Accessory Building (Pole Barn), with two (2) 12' x 36' Lean-tos on each side. The intended use is for storage and will not create unnecessary noise or traffic in the surrounding area. The present ordinance allows for Accessory Buildings in the side yard or rear yard. The applicant is seeking approval to install the Accessory Building in the front yard. This is so because the residential dwelling sits at the rear of the property and there is not adequate space to install the Accessory Building.

As mentioned above, the subject property is about 3.61 acres. The proposed Accessory Building, with lean-tos, would only cover 1.6% of the total property. Further, its distances from the front property line (284') and closest side property line (36') would satisfy the ordinance but for its location in the front instead of side or rear.

For the reasons set forth above, we are respectfully requesting that our application be approved. Thank you.


James Mooers


Debbie Mooers

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)

CHAPTER 155-31 Accessory Buildings

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:

N/A

**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: _____
Proposed use: Storage / fireproof vault
Size of proposed building: _____ (depth) 36' (width) 24' (height) 20'
(no. of stories) 1 (total sq. footage) 864' (no. of units involved) 1
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

INCLUDES 24' OF LEAN-TO

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:

Deborah Moore
James Moore, 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.

James R. Moore
Applicant's Signature
Deborah A Moore

Sworn and subscribed to before me this 8th day of Sept, 2022.

Jessica L Ferrier
Notary Public
My Commission Expires: 6-30-25

Jessica L Ferrier
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES JUNE 30, 2025

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 _____, 2____.

Notary Public
New Jersey

DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT

SURVEY/PLAN/PLAT AFFIDAVIT

STATE OF NEW JERSEY:

SS

COUNTY OF CAPE MAY:

(Name) Deborah Mooers James Mooers, 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) 31, in the Township of Dennis or I am the applicant for development in this matter.

2. The attached sealed survey/plan/plat prepared by _____, and dated _____, 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.

James A. Mooers Signature - Owner/Applicant Deborah Mooers

Sworn to and subscribed before me this 8th day of Sept, 2022.

Jessica L. Ferrier Notary Public New Jersey

Jessica L. Ferrier NOTARY PUBLIC STATE OF NEW JERSEY MY COMMISSION EXPIRES JUNE 30, 2025

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

Applicant's Name: James & Debbie Mooers
Address: 145 Fidler Road
Dennisville, NJ 08214

Address of Property: Same ↑
Subject to the Application: (Street Address): _____

Block: 67 Lot (s): 31

Amount of required Escrow: \$ 1,500

Amount of required Application Fees: \$ 250

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: SEPT 9, 2022

Applicant: James A. Mooers
Deborah Mooers