# City of Somers Point DEPARTMENT OF PLANNING & ZONING

Solicitor Manos Engineer Doran Zoning Official McLarnon

Chairman: J. Craddock S. Rowan D. Tapp B. Marshall R. Granus

ALTERNATE: E. Lawler

J. Helbig

M. Kedziora

A regular meeting of the City of Somers Point Zoning Board of Adjustment will be held April 12, 2021 by remote access only by video and audio means. The meeting will begin at 7:00 p.m. At the time of the meeting, anyone from the public wishing to attend may do so remotely by accessing the video and audio of the meeting on the internet at https://us02web.zoom.us/j/85102880006 on a supportable desktop computer, laptop computer, tablet or other supportable device. You may be required to download the "Zoom" meeting application at or prior to the time of the meeting. Anyone from the public may also attend the meeting by accessing only the audio of the meeting by telephone by calling 1-301-715-8592 and entering meeting ID 851 0288 0006. Additional local call-in numbers can be found at https://us02web.zoom.us/u/kv6lbQj2t .

The agenda of the meeting, and copies of any application before the Board, and any maps and documents relating to any application before the Board, may be found on the internet at http://www.somerspointgov.org/mainpages/zoning\_board.asp under the "Zoning Board Meeting Dates and Board Documents" section. The agenda will additionally be posted as required by law. Copies of any application before the Board, and any maps and documents relating to any application before the Board, may also be inspected by the public on weekdays (except holidays) during regular business hours at City Hall, 1 W. New Jersey Avenue, Somers Point, NJ.

For additional information, you may contact Jayne Meischker, Board Secretary, at the City of Somers Point Planning and Zoning Office, at (609) 927-9088 x 142, or by email at jmeischker@spgov.org.

ZONING BOARD AGENDA JUNE 14, 2021 REMOTELY REGULAR MEETING 7:00 PM

1. Flag Salute

- 2. Open Public Meetings Act
- 3. Roll Call
- 4. Approval of minutes from April meeting.
- Applications: Bill Meyers, Block 1419, Lot 1. 415 W. New York Ave. Zoned R-1. "C" variances to add parking, shed and deck.

Debi McGinnis, Block 1426, Lot 12. 903 W. CT. Ave. Zoned R-1. "C" variances to allow a 5' privacy fence in front yard setback.

Barbara Handson, Block 1916, Lot 5. 10 Braddock Dr. Zoned R-1. Certificate of non-conformity or variance to have structure designated as a duplex.

Public session

"Small Town Charm On The Bay"

City Hall • 1 West New Jersey Avenue • Somers Point, New Jersey 08244 • (609) 927-9088, Ext. 142 • Fax: 927-0177

7. Other business Jayne Meischker, Board Secretary

### Somers Point Zoning Board of Adjustment Application

In the Matter of the Appeal of:
Name: William Meyers
Address: 415 New York Ave, Somers Point NJ 08244
1. This application concerns Block 1419, Lot 1 on the tax map of the City of Somers Point, having the following street address: 415 W New York Ave
2. The land has frontage on NEW YORK of 90.00' feet and a depth offeet.
<ul> <li>3. I have filed a Plot Plan and Survey of the premises within the Secretary of the Zoning Board of Adjustment of the City of Somers Point which may be examined at the Code Enforcement Office, 1 West New Jersey Avenue, Somers Point, New Jersey, on which Plot I have indicated existing boundary lines and structures and changes requested to be granted herein.</li> <li>4. The land is in R1 zone, and the present use of the land is:</li></ul>
4a. Lot size 12,600 square feet.
5. I desire to make the following changes (insert how the existing use will be changed or modified):  MODIFY/EXPAND OFF-STREET PARKING &  ADD DETACHED ACCESSORY SHED  AND INSTALL A DECK
6. Plan prepared by: WILLIAM MCLEES ARCHITECTURE, LLC
7. Type of Appeal:
() An inspection of the () Zoning Ordinance () Zoning Map () A special exception to the Zoning Ordinance (X) A Variance from the strict application of the Zoning Ordinance () A Use Variance
3. I desire the Zoning Board of Adjustment to grant a Variance or a Special Use Permit (specify in detail action of the Zoning Officer)
Signature of Tax Collector

TAX & SEWER 5-4-21

9. Set Forth in Detail, including all facts that yo	ou wish to rely on at the Hearing, why the
Zoning Board should grant your application.	(Application may be decided on research
nerem in the event that no one desires to be h	eard on the application)
415 West New York Ave is Suitable for the	proposed use and the deck and additional
parking and will not be detrimental to the pul	olic good.
10 State Name Address 1701	
10. State Name, Address, and Telephone numbe	r of the Attorney representing the
Applicant, if any. Brian Callahan	
2428 Atlantic Ave	
Atlantic City	
11 Set Forth annual training	
11. Set Forth any previous applications made to	this Board for the above property indicating
date and result. 3/10/2014 Approved	
3/5 2004 Approved	
10/7 2002 Approved	
12. Applicants Telephone number: Home - Cell 6	509-271-4020
Work	
*******	******
SITE PLAN AND SU	BDIVISION
SITE PI	LAN
1. Property Land UseMulti-Family Residentic	al
2. Density - Permitted existing unchanged	
- Proposed existing unchanged	
3. Percentage of Building Coverage - Permitted	30%
- Proposed	30.27%
4. Number of Parking Spaces - Required	8
- Proposed	10
5. Number of Residential Units Proposed	
6. Square Footage of Residential Units - Permitted	
Square Footage of Lot12,600 - Proposed	12,600

7. Front Yard Setback - Required _	20 ft (New York Avenue), 20 ft (5th St)
- Proposed _	26 ft (New York Avenue), 12.08 ft (5th St)
8. Rear Yard Setback - Required	35 ft
- Proposed	38 ft, 2ft to accessory shed
9. Side Yard Setback - Required N	SEW (Circle One)10 ft
- Proposed	23.79 ft
	S E W (Circle One)N/A
- Proposed	
10. Building Height - Permitted	
- Proposed	unchanged
2. Facilities for Trash and Garbage  Private: Yes No  13. Buffer Zones - Describe Location  4. Recreational Facilities Provided	n and Extent Provided  2 ft landscape buffers provided af side and rear yard lot lines  n/a
5. If Ten (10) Units or More are Pro	posed, an Environmental Impact Statement is Required
	SUBDIVISION
1. Total Area of Tract	
. Proposed Use of New Lots	

Signature of Applicant or Representative

\*\*\*\*\*\*\*

State of New Jersey, County of AHant

Signature of Applicant or Attorney Zurer MC

Signature of Notary Ille M. AMB

Sworn to Me on this \_\_\_\_\_

Day of May

,20 2

NORA M MELHEM

Notary Public

State of New Jersey

My Commission Expires Dec. 26, 2022

1.D.# 50074003

## City of Somers Point

1 West New Jersey Avenue · Somers Point, NJ 08244 · 927.9088 Ext. 142 fax: 927.0177
DEPARTMENT OF ZONING/CODE ENFORCEMENT

### REFUSAL OF ZONING PERMIT

## Due to New Jersey Public Law Office Staff will supply only Factual Information. Format and Questions to Be Supplied By Legal Counsel

Date:   4-1.	3-21							
Applicant Name:	Bill Meyers		<u>'</u>	Prope		415 W. Ne	ew Vork	 
						T	JW TOIK	 
Block:	1419	Lot:	1		Zone:	R-1		
Your applic	ation for a permit	to:	Add addition	nal off			ed and deck	 
				iidi OII	succe pa	ukilig, sile	ou and deck	
is hereby de	enied for non-comp	liance	with the pr	ovisio:	os of A-d	iala (a).	TX7	
section (s):	Total ton comp	, mance	with the pr	OVISIOI	is of Art	icle (s):	IV	 
(2).	114-12 .							
of the municipal zoning ordinance for the following reasons:								
		aree to	r are tollow	mig tes	asons:			

	DEOITE				
REQUIRED		Existing	Proposed	Variance Needed	
Lot Area:	7500 sf		12600	12600	С
Lot Width	70 ft		90	90	С
Front Yard					100
Setback:	20 ft New Yo	rk	26	26	С
Front Yard					
Setback:	20 ft Fifth St.		15.1	15.1	ENC 4.9
Side Yard	10 ft Gar		19.6	19.6	C
Setback	House		23.8	23.8	Č
Side Yard	10 ft shed		22	22	C
Setback:					
Rear Yard	35 ft Gar/She	d	10/0	10/0	C/5'
Setback:	House		40	40	C
	30% Buildir	•	32%	32%	2%
Lot Coverage	Imp. C	overage	74%	74%	44%
Height:	35 ft		38	38	3 ENC
					J ENC
Parking:	2 Per Unit. To	tal 8	8	10	C
Sidewalks:	X YES	ΓNO			

#### **Summary of Application**

There are 2 storage containers not shown on site plan. Shed shown on plan not to code.. The concrete & asphalt on plan dated 3/24/21 is over coverage. Stacked parking is not permitted.

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Jim Mc Brien

Rebecca C. Lafferty, Esquire COOPER LEVENSON, P.A. 1125 Atlantic Avenue — 3<sup>rd</sup> Floor Atlantic City, New Jersey 08401 (609) 572-7550 Solicitor for City of Somers Point Zoning Board of Adjustment

APPLICATION OF WILLIAM J. MYERS FOR: D VARIANCE FOR RELIEF TO EXPAND A NON-CONFORMING USE; C VARIANCE RELIEF FROM BULK REQUIREMENTS; AND SITE PLAN WAIVER FOR BLOCK 1419, LOT 1 CITY OF SOMERS POINT ZONING BOARD OF ADJUSTMENT

ZB-

**DECISION AND RESOLUTION** 

THIS MATTER, having been heard by the Zoning Board of Adjustment of the City of Somers Point on March 10, 2014 at regularly scheduled meetings at the Township Hall of the City of Somers Point, and the Board having reviewed the Application and Plans as submitted, and a quorum being present; and,

WHEREAS, the City of Somers Point Zoning Board of Adjustment has heard the testimony of the applicant and applicant's professionals as well as all board professionals; and

WHEREAS, the City of Somers Point Zoning Board of Adjustment has reviewed the Application submitted by the applicant together with Application Form and Attachments prepared by the applicant (attachment marked as Exhibit A-1), and the Architectural Plans prepared by William McLees Architect dated January 30, 2014; and

WHEREAS, the City of Somers Point Zoning Board of Adjustment, based upon the exhibits submitted, the testimony of the Zoning Board Engineer and Planner, and the testimony presented on behalf of the Applicant, makes the following findings of fact:

- The Applicant is William J. Myers whose address is 415 West New York Avenue,
   Somers Point, N.J. 08244. At the time of the hearing, the Applicant was represented by Arthur T.
   Ford, III, Esquire.
- The Applicant has submitted a properly filed Application, and all required documents and has paid all required fees and has complied with the Advertising and Notice Requirements of the Municipal Land Use Law.
  - 3. The subject site is known as Block 1419, Lot 1.
  - 4. The project is serviced by public water and sewer.
- 5. The site is located in the R-1 Zone and is its current and proposed use is a multiunit dwelling and is an existing non-conforming use in the R-1 zone. The Applicant was granted relief previously by way of Resolutions dated October 7, 2002 and March 8, 2004. The Applicant wishes to convert the basement to allow an enlargement of the first floor unit into a portion of the basement.
- 6. The within Application is for C variance relief from bulk requirements, D variance relief to allow the expansion of an existing non-conforming use, and site plan waiver.
  - 7. No public appeared at the public portion of the meeting.
- 8. Based upon the testimony and evidence presented, the City of Somers Point Zoning Board of Adjustment made the following findings and decisions:
  - a. The Board, pursuant to N.J.S.A. 40:55D-77(d)(2) found the D variance to permit relief and allow the expansion of the current non-conforming use to allow a portion of the basement to be converted to additional living space for the first floor unit. The Board found special reasons existed for such approval, including that the existing use is the same as the proposed use and the proposed site is particularly suitable for the

CLAC 2489345.1

proposed use as it is an addition to the existing use. The Board also found the requested relief would not cause substantial detriment to the public good and would not impair the intent and purpose of the zone plan.

- b. The Board found that the Applicant is entitled to relief pursuant to N.J.S.A. 40:55D-70(c) so as to permit the continuation of the following existing non-conformities:
  - Front yard setback (Fifth Street)- The variance granted allows for 15.1 feet where 20 feet is required;
  - (2) Rear yard setback The variance granted allows for 41 feet;
  - (3) Height The variance granted allows for 38 feet where 35 feet is required;
  - (4) Building coverage The variance granted allows for 31.4% where 30% is the maximum; and
  - (5) Lot coverage The variance granted allows for 68% where 60% is the maximum;

The Board noted on the record that the relief was necessary due to the general shape of the property and the proposed conditions will not cause substantial detriment to the public good and would not impair the intent and purpose of the zone plan, nor would they intensify the use and density in the area as these were already existing non-conformities.

c. The Board granted the Applicant a site plan waiver as prior site plans cover all of the site and the building is already in existence. The Board noted that granting of the site plan waiver is reasonable under the circumstances.

CLAC 2489345.1

NOW, THEREFORE, a Motion having been made and seconded, the City of Somers Point Zoning Board of Adjustment hereby grants relief pursuant to N.J.S.A. 40:55D-70(c) and N.J.S.A. 40:55D-70(d) for the reasons noted above subject to the following conditions:

- No additional electric or gas meters will be installed as part of the proposed project;
- Within one year of the Applicant obtaining a Certificate of Occupancy for the additional space in the basement, the applicant will remove the existing storage unit in the yard; and
- Compliance with all conditions as set forth in the Engineering Report of Matthew
   F. Doran dated February 17, 2014.

## Roll Call Vote on Motion to Grant C and D Variances and Waiver of Site Plan as set forth above

Chairman Meischker		Yes
Craddock	Motion	Yes
Cohen	$2^{nd}$	Yes
Hanlin		Yes
Passmore		Yes
Broomall		Yes
Campbell		Yes
Callahan		Alternate
Rattigan		Alternate

### CITY OF SOMERS POINT ZONING BOARD OF ADJUSTMENT

Dated: 4 14

By: Klonald Meischker, Chairman

Dated:

Georgiana Hutchinson, Zoning Board Secretary

CLAC 2489345.1

4

BOARD OF ADJUSTMENT CITY OF SOMERS POINT COUNTY OF ATLANTIC STATE OF NEW JERSEY

WILLIAM MEYERS	)
Appellan	t ) RESOLUTION AND JUDGMENT
	) ON APPEAL
	) GRANTING ADDITIONAL
vs.	) VARIANCES AND AMENDED SITE
	) PLAN APPROVAL
BOARD OF ADJUSTMENT	)
CITY OF SOMERS POINT	)
ATLANTIC COUNTY, NEW JERSI	EY )

This matter having come on to be heard before the Board of Adjustment of the City of Somers Point, New Jersey for hearing on March 8, 2004, and the Board having first determined that proper notice of this hearing had been provided to the adjacent property owners and to the general public according to law, and then having considered the testimony of the appellant, and the presentation of Arthur T. Ford III, Esquire, the Board has made the following factual findings:

- Appellant is the owner of premises located at Block 1419,
   Lot 1, 415 W. New York Avewnue, Somers Point, New Jersey.
  - 2. Said premises is zoned R-1.
- 3. Appellant seeks an approval for amendments to his original site plan and additional variances.
- 4. Appellant testified that previously site plan and variances were granted so he could work on the property. He testified that he has been working on the property and he has put a lot of effort into doing so. They now realized that in their original approvals, the bedrooms in the property would be too small. They now want to add an addition to the building, but to do so they would require a 4 foot 7 inch front yard variance, a 6.4% lot coverage variance, a variance from Ordinance 114.4, altering a non-conforming structure and they would also need an amended site plan approval. These are needed because it is a corner property. He stated that the new exterior will match the existing exterior.
- 5. Appellant further stated the granting of these variances would not substantially impair the intent or purposes of the zoning plan or zoning ordinances, nor be detrimental to the general welfare of the citizens of Somers Point.

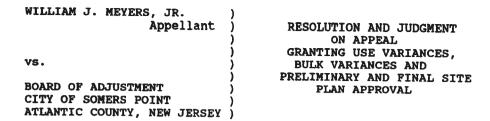
NOW, THEREFORE, BE IT RESOLVED AND ADJUDGED by the Board of Adjustment of the City of Somers Point that the application to grant a 4 foot 7 inch front yard variance, a 6.4% lot coverage variance, a variance from Ordinance 114-4 and amended preliminary and final site plan approval in accordance with the testimony presented and the applications submitted on Appellant's premises located at Block 1419, Lot 1, 415 W. New York Avenue, Somers Point, New Jersey, pursuant to N.J.S.A. 40:55D-70(c) and 40:55D-76 is granted.

This resolution has been approved by the Board of Adjustment of the City of Somers Point by a roll call vote as follows:

Wigglesworth	Yes
Kennedy	Yes
Striefsky	Yes
Craddock	Yes
Innocente	Yes
Picucci	Yes
Clark	Yes

The foregoing is a true copy of a resolution adopted by the Board of Adjustment of the City of Somers Point at a meeting held on March 8, 2004, as copied from the minutes of that meeting.

GEORGIANA HUTCHINSON, SECRETARY BOARD OF ADJUSTMENT CITY OF SOMERS POINT BOARD OF ADJUSTMENT CITY OF SOMERS POINT COUNTY OF ATLANTIC STATE OF NEW JERSEY



This matter having come on to be heard before the Board of Adjustment of the City of Somers Point, New Jersey for hearing on October 7, 2002, and the Board having first determined that proper notice of this hearing had been provided to the adjacent property owners and to the general public according to law, and then having considered the testimony of the appellant, the appellant's witnesses and the presentation of appellant's attorney, Arthur T. Ford, III, Esquire, the Board has made the following factual findings:

- Appellant is the owner of premises located at Block 1419,
   Lot 1, 415 West New York Avenue, Somers Point, New Jersey.
  - 2. Said premises is zoned R1.
- 3. Appellant seeks two use variances to alter a nonconforming use and to allow the garage to be used as a business, together with Bulk variances and Preliminary and Final Site Plan Approval.
- 4. William Meyers testified that he is the sole owner of the property. He stated that it was originally purchased in 1990 by his father, brother and himself and now he owns the property in his own name. He testified that when the property was purchased, it was in very bad condition. They started to clean up the property, landscaping was put in, a sprinkler system was added, some of the windows were replaced and minor repairs were made. He stated that when this property was built, there was no off-street parking and they put in a driveway off of Fifth Street to accommodate two cars and also off of New York Avenue to accommodate four or five cars. He testified that in 1994, they built a garage in the rear and it was used as a shop for his father and occasionally odd jobs were done. The applicant then submitted several pictures into the

record demonstrating what they were doing and what they intended to do. He testified that they decided to upgrade the apartments themselves, that his mother currently occupies one unit, his brother occupies another and he occupies a third and there is one unit unoccupied. He stated that the site has had four units since 1965. Mr. Meyers testified that a new kitchen is being built in the top unit, together with a new bedroom and a deck and in the rear unit on the top, a bedroom will be added with a bath. He stated that on the first floor, they are only adding a bedroom and a breakfast area. He testified that there were two units with two bedrooms and two units with one bedroom and that they propose three units with two bedrooms and one unit with two bedrooms and a small room that could be another bedroom or den. He stated that he also wants to have all separate utilities to the units. The applicant agreed to a condition that no commercial vehicle exceeding a one ton pay load would be parked on the property except during the construction phase. He stated that plans would be revised to show eight off street parking places on site. He stated that there is a basement which will be used for storage and stated that no rental unit or business would be operated out of the basement. He did state that he does presently operate his business out of a little home office with a computer.

5. James Meyers testified that he was one of the previous owners of the property and has resided there since 1990. He stated that the garage was constructed in 1994 and that when that was done, they moved tools to the structure and periodically used it to make trim and odds and ends. He testified that he has no employees, that he is only using the garage during normal business hours, that there are no signs or materials exposed. He stated that his work is fully contained inside, that he has no truck and he feels that the shop is merely a home occupation. He did concede, however, that pursuant to the ordinance's definition of home occupation, he needed a variance. Mr. Meyers agreed that if a variance was granted, all of the conditions of home occupation would be incorporated into the granting of same except the allowable square footage under home occupation which would be

exceeded in this case. In this case, they have 732 square feet versus 400 square feet allowed by ordinance. Moreover, they agreed that they would not park a truck on the property and that in the event, Mr. James Meyers left the property, the use would discontinue and that they would do a deed restriction to so indicate.

- 6. Greg Modell testified that he is a professional architect in the State of New Jersey and is the project architect. He testified that he reviewed the existing and proposed conditions and discussed the existing nonconforming setbacks. He stated that they need a two-foot front yard variance on the Fifth Street front and a lot coverage variance to permit 30.8% lot coverage. He testified that no height variance is needed because it is ornamental and not utilized area. He testified that the proposed renovations would be an enhancement to the neighborhood, that it would be compatible with the neighborhood and that the building would be brought into code compliance. He stated that if granted, all preservation of light and air would be maintained and that this building would be able to stand for many more years without it running into disrepair and having to be torn down.
- 7. Joseph Kelly testified that he has resided at 652 Fifth Street since 1965. He stated that this site was in terrible condition but since the Meyers purchased it in 1990, they have upgraded the site. He stated that he is aware of the garage in the rear being used for woodworking jobs but that he has never seen any customers at the site.
- 8. Appellant further stated the granting of these variances would not substantially impair the intent or purposes of the zoning plan or zoning ordinances, nor be detrimental to the general welfare of the citizens of Somers Point and that the proposed use represents the highest and best use for the property.

NOW, THEREFORE, BE IT RESOLVED AND ADJUDGED by the Board of Adjustment of the City of Somers Point that the application to grant a use variance to inlarge an existing four-unit nonconforming use in accordance with the testimony presented and the application submitted on applicant's premises located at Block 1419, Lot 1, 415

West New York Avenue, Somers Point, New Jersey, pursuant to N.J.S.A. 40:55D-70(d) is granted.

BE IT FURTHER RESOLVED AND ADJUDGED by the Board of Adjustment of the City of Somers Point that the application to grant a two-foot front yard variance on the Fifth Street front yard and a variance to permit 30.8% lot coverage on applicant's premises located at Block 1419, Lot 1, 415 West New York Avenue, Somers Point, New Jersey pursuant to N.J.S.A. 40:55D-70(c) is granted.

These variances are specifically conditioned upon no commercial vehicle exceeding a one-ton pay load being parked on the property except during the construction phase and that the plans will be revised to show eight off street parking places on site.

This resolution has been approved by the Board of Adjustment of the City of Somers Point by a roll call vote as follows:

Wigglesworth	Yes
Clark	Yes
Striefsky	Yes
Kennedy	No
Craddock	Yes
Picucci	Yes
Rosenberger	Yes

BE IT FURTHER RESOLVED AND ADJUDGED by the Board of Adjustment of the City of Somers Point that the application to grant a use variance to allow the garage to be utilized as a woodworking shop provided it continued to meet all the requirements of a home occupation as defined in the Somers Point Ordinance with the exception that no truck be parked on the property in conjunction with the woodworking and that the property be permitted to have 732 square feet, not 400 square feet as required, and with the further condition that a deed restriction be filed stating that the business would be eliminated once the property changed hands in accordance with the testimony and the application submitted on appellant's premises located at Block 1419, Lot 1, 415 West New York Avenue, Somers Point, New Jersey pursuant to N.J.S.A. 40:55D-70(d) is granted.

This resolution has been approved by the Board of Adjustment

of the City of Somers Point by a roll call vote as follows:

Wigglesworth	Yes
#1991es#of cli	res
Clark	Yes
Striefsky	Yes
Kennedy	No
Craddock	Yes
Picucci	Yes
Rosenberger	Yes

The applicant then requested the granting of Preliminary and Final Site Plan Approval at which time the engineering comments were entered into the record. The applicant agreed that if Preliminary and Final Site Plan Approval was granted, they would change the plans to show eight parking spaces as required by the ordinance, would show proposed storm drainage grades and direction of flow, would show the location and size of parking spaces, would show the proposed screening, landscaping and lighting and that the Board Engineer must approve all final revisions and that all revisions would take place within 30 days. The Board determined that it was appropriate to grant Preliminary and Final Site Plan Approval with the above listed conditions on the project.

NOW, THEREFORE, BE IT RESOLVED AND ADJUDGED by the Board of Adjustment of the City of Somers Point that the application to grant Preliminary and Final Site Plan Approval in accordance with the testimony presented and the applications submitted on appellant's premises located at Block 1419, Lot 1, 415 West New York Avenue, Somers Point, New Jersey pursuant to N.J.S.A. 40:55D-76 is granted.

BE IT FURTHER RESOLVED AND ADJUDGED by the Board of Adjustment of the City of Somers Point that the application to grant Preliminary and Final Site Plan Approval is specifically conditioned upon:

- 1. Site plan being revised to show eight off site parking spaces.
- 2. Site plan being revised to show proposed storm drainage grades and direction of flow.
  - 3. Site plan being revised to show location and size of



City of Somers Point —
DEPARTMENT OF TAX & SEWER COLLECTION

NEW JERSEY

the shore starts here!

March 23, 2021

I certify the attached is a list of property owners within 200' of Block 1419 lot 1 based on the information provided in the maps of the City, which is reasonably accurate when considering the scale of the tax map and the precision of the instruments used to measure the distances.

Please notify:

**Conectiv Real Estate Department** 5100 Harding Highway, Ste#399 Mays Landing, NJ 08330

**Public Service Electric and Gas Company Manager-Corporate Properties** 80 Park Plaza, T6B Newark, NJ 07102

Meghan Dilks Tax Clerk

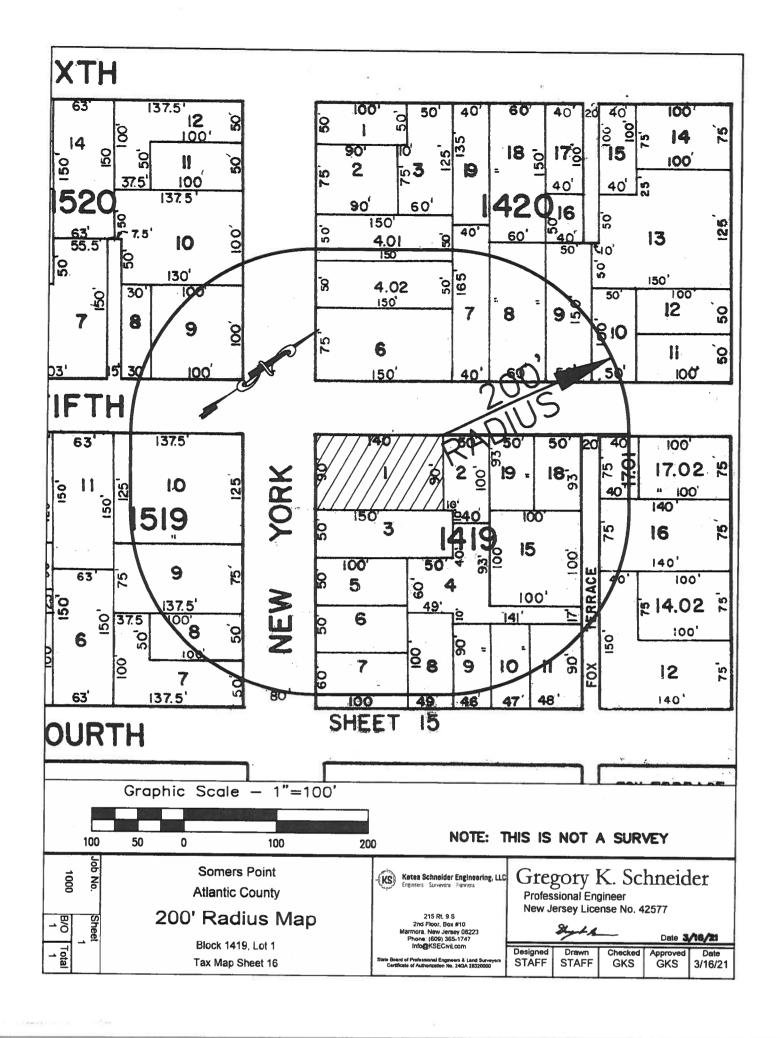
P.O. Box 157 • Somers Point, NJ 08244 • (609-927-9088 x141 • Fax: (609) 926-0536 somerspointgov.org

Batch Id: DH				
Identificati	Stre City	et Address	Zip	
Block: 141 Lot: Qual:	2 652 SOME	Y, JOSEPH S. & DONNA J. FIFTH ST RS POINT, NJ FIFTH ST	08244	
Block: 141 Lot: Qual:	3 1306 RYDA	R, MARK G FROG HOLLOW RD L, PA W NEW YORK AVE	19046	
Block: 141 Lot: Qual:	4 105 ATLA	INER, ADELE & ALAN S DOVER AVE NTIC CITY, NJ FOX TERRACE	08401	
Block: 141 Lot: Qual:	5 411 N SOME	, CARYLL & JONES, JOHN W NEW YORK AVE RS POINT, NJ W NEW YORK AVE	08244	
Block: 141 Lot: Qual:	6 23 Si EGG I	ER, DONALD JR & ALISON OMERS AVE HARBOR TWP, NJ W NEW YORK AVE	08234	
Block: 141 Lot: Qual:	7 401 N SOME	KLER, CHRIS E W NEW YORK AVE RS POINT, NJ W NEW YORK AVE	08224	
Block: 141 Lot: Qual:	8 406 MARG	EKIN, JAN E N GLADSTONE AVE ATE, NJ FOURTH ST	08402	
Block: 141 Lot: Qual:	9 4 TAI	ZOWSKI, ANDRZEJ Z & KAT LLWOOD DR HESS, NJ FOURTH ST	THRYN M 08043	
Block: 141 Lot: 1 Qual:	0 651 4 SOMEI	, DAVID & COURTNEY 4TH ST RS POINT, NJ FOURTH ST	08244	
Block: 141 Lot: 1 Qual:	1 649 I SOMEI	EY, CHERYLANN FOURTH ST RS POINT, NJ FOURTH ST	08244	

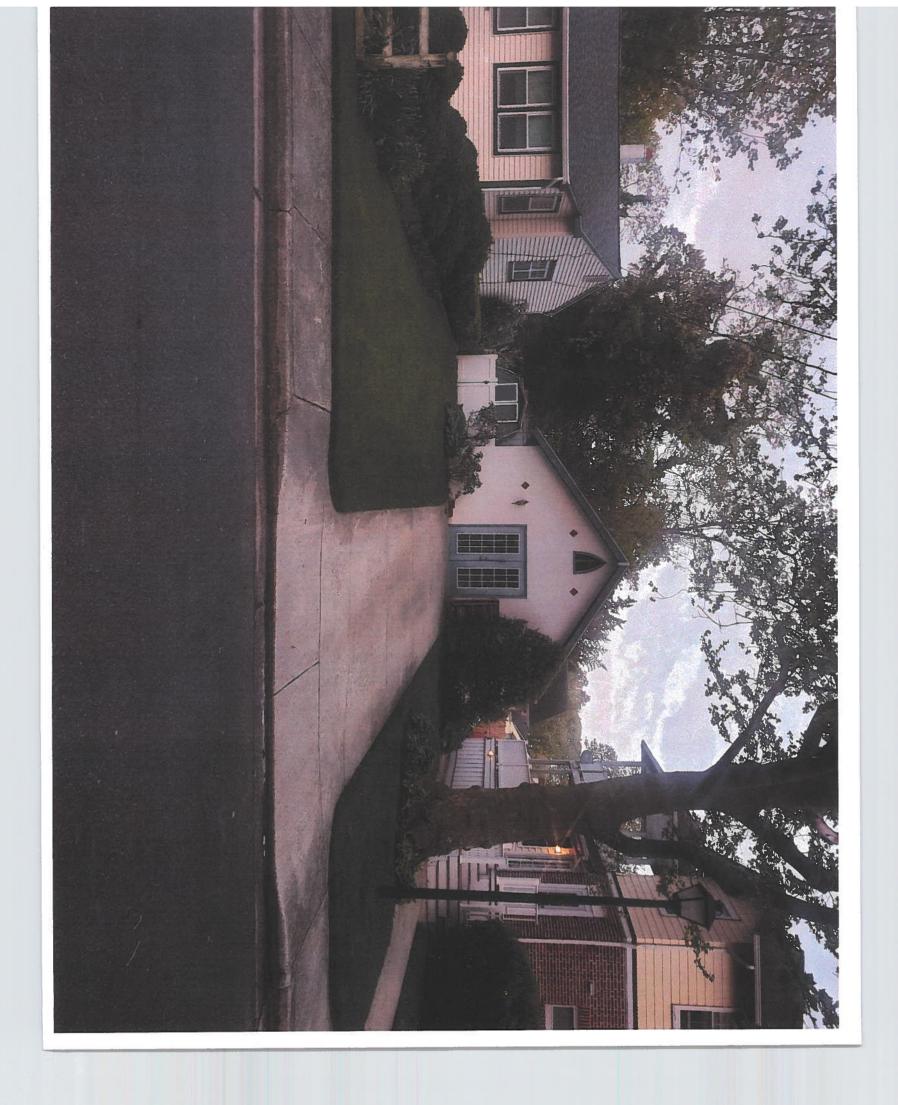
Identif	ication	Name Street Address City, State Property Location	Zip
Block: Lot: Qual:	1419 12	MCANDREW, ROBERT T & JEANS 400 W CONNECTICUT AVE SOMERS POINT, NJ 400 W CONNECTICUT AVE	08244
Block: Lot: Qual:	1419 14.02	CARNEY, ALLEN R & BARBARA 410 w CONNECTICUT AVE SOMERS POINT, NJ 410 w CONNECTICUT AVE	08244
Block: Lot: Qual:	1419 15	DELFINER, ALAN 808 S 2ND ST PHILADELPHIA, PA 415 FOX TERRACE	19147
Block: Lot: Qual:	1419 16	EVANS, RICHARD & SUSAN 418 CONNECTICUT AVE SOMERS POINT, NJ 418 W CONNECTICUT AVE	08244
Block: _ot: Qual:	1419 17.02	LAYTON, MICHAEL G. & LINDA 4445 VENICEAN RD SEA ISLE CITY, NJ 644 FIFTH ST	O8243
Block: Lot: Qual:	1419 18	STEBBINS, SUSANNA; ESTATE 648 FIFTH ST SOMERS POINT, NJ 648 FIFTH ST	08244
Block: Lot: Qual:	1419 19	SCHWACHTER, JEFFREY & VICT 650 5TH ST SOMERS POINT,NJ 650 FIFTH ST	TORIA 08244
Block: Lot: Qual:	1420 4.01	HARRIS, JACOB M 519 W NEW YORK AVE SOMERS POINT, NJ 519 W NEW YORK AVE	08244
lock: ot: ual:	1420 4.02	GRAMLICH,THOMAS & CARE TRU 713 RAVEN RD WAYNE, PA 505 W NEW YORK AVE	19087
Block: .ot: Qual:	1420 6	HOLMAN, JOAN & WILEZOL, RI 501 W NEW YORK AVE SOMERS POINT, NJ 501 W NEW YORK AVE	ICHARD 08244

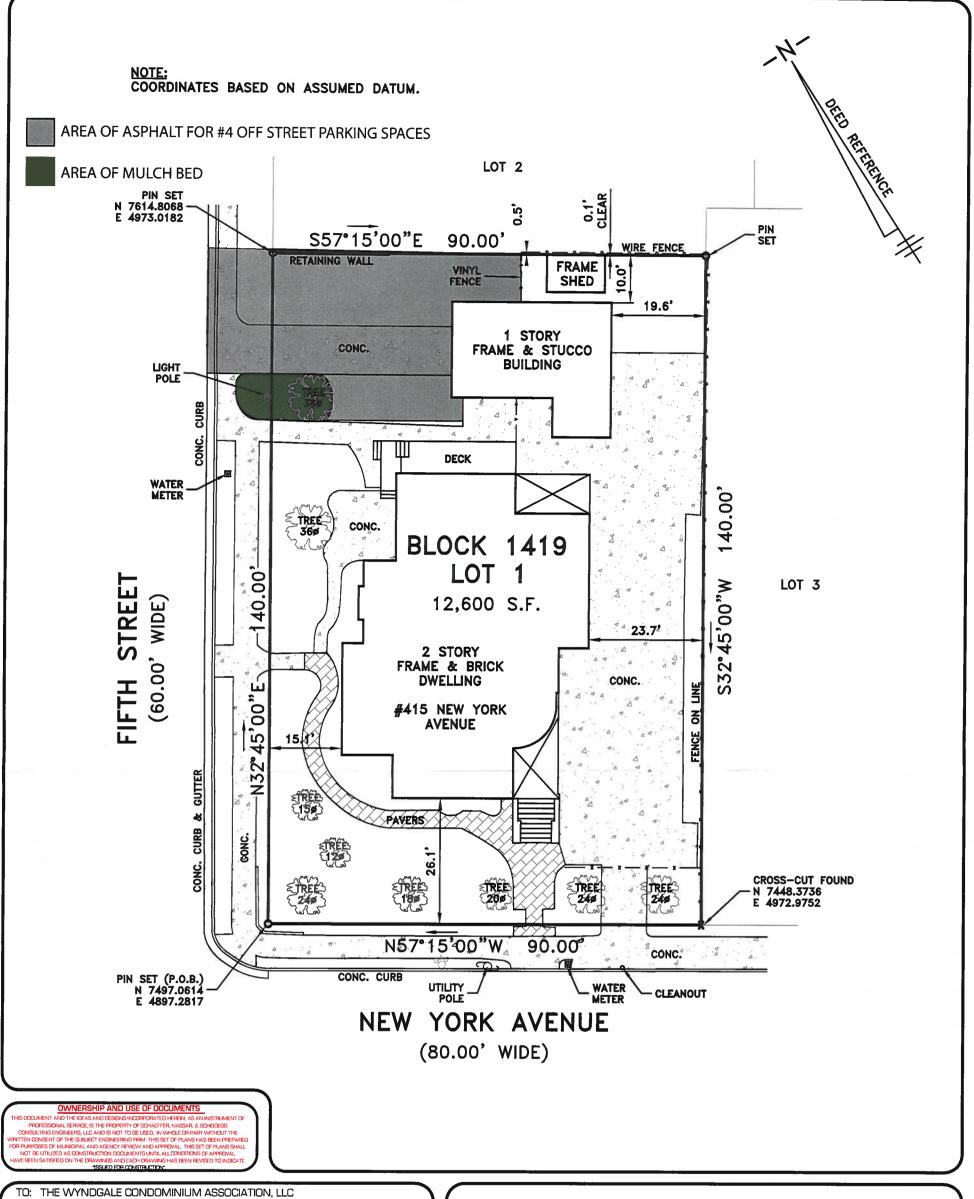
Identification		Name Street Address City, State Property Location	Zíp	
Block: Lot: Qual:	1420 7	ABSIN, JULIEANNE 659 FIFTH ST SOMERS POINT, NJ 659 FIFTH ST	08244	
Block: Lot: Qual:	1420 8	RYAN, RICHARD 657 STH ST SOMERS POINT,NJ 657 FIFTH ST	08244	
Block: Lot: Qual:	1420 9	RALSTON, RONALD JR 655 FIFTH ST SOMERS POINT, NJ 655 FIFTH ST	08224	
Block: Lot: Qual:	1420 10	DILL, HOWARD W JR 104 MEADOWVIEW DR LINWOOD, NJ 653 FIFTH ST	08221	
Block: Lot: Qual:	1420 11	TINUCCI, LYNN M 641 FIFTH ST SOMERS POINT, NJ 641 FIFTH ST	08244	
Block: Lot: Qual:	1420 18	HUGHES, ROBIN K. 739 CENTRAL AVE HAMMONTON, NJ 650 SIXTH ST	08037	
Block: Lot: Qual:	1519 7	BROSCHARD, LEROY W,-JR 402 W NEW YORK AVE SOMERS POINT, NJ 402 W NEW YORK AVE	08244	
Block: Lot: Qual:	1519 8	TREGEAR, DONNA 406 w new york ave SOMERS POINT, NJ 406 w NEW YORK AVE	08244	
Block: Lot: Qual:	1519 10	UZZOLINO, JOSEPH 414 W NEW YORK AVE SOMERS POINT, NJ 414 W NEW YORK AVE	08244	
Block: .ot: Qual:	1519 11	FAULKNER, MARIA A 1409 CHANCELLOR CIRCLE BENSALEM,PA 716 FIFTH ST	19020	
Block:	1520	KEARSLEY, JANICE		

			CITY OF SOMERS POINT Block and Lot Listing	
		Name Street Address City, State Property Location	Zip	
Lot: Qual:	10	516 NEW YORK AVE SOMERS POINT, NJ 516 W NEW YORK AVE	08244	51









I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP OR PLAN IS THE RESULT OF A FIELD SURVEY MADE ON MARCH 11, 2021 BY ME OR UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE "STATE BOARD OF PROFESSIONAL **ENGINEERS AND LAND SURVEYORS."** 

THE INFORMATION SHOWN HEREON CORRECTLY REPRESENTS THE CONDITIONS FOUND AT, AND AS OF THE DATE OF THE FIELD SURVEY, EXCEPT SUCH IMPROVEMENTS OR EASEMENTS, IF ANY, BELOW THE SURFACE AND NOT VISIBLE THIS CERTIFICATION IS GIVEN SOLELY TO THE ABOVE NAMED PARTIES EXCEPT AS FOLLOWS:

A. TO THE TITLE INSURER SO THAT IT MAY INSURE TITLE TO

PREMISES SHOWN HEREON

B. TO THE MORTGAGE HOLDER, THE CERTIFICATION SHALL SURVIVE TO ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTEREST MAY APPEAR.

HOWARD A. TRANSUE, PROFESSIONAL LAND SURVEYOR **NEW JERSEY LICENSE NO. 33541** 



## Schaeffer Nassar Scheidegg CONSULTING ENGINEERS, LLC

Surveyors • Environmentalists • Planners

1425 Cantillon Boulevard • Mays Landing • New Jersey Telephone: (609) 625 - 7400 • Fax: (609) 909 - 0253

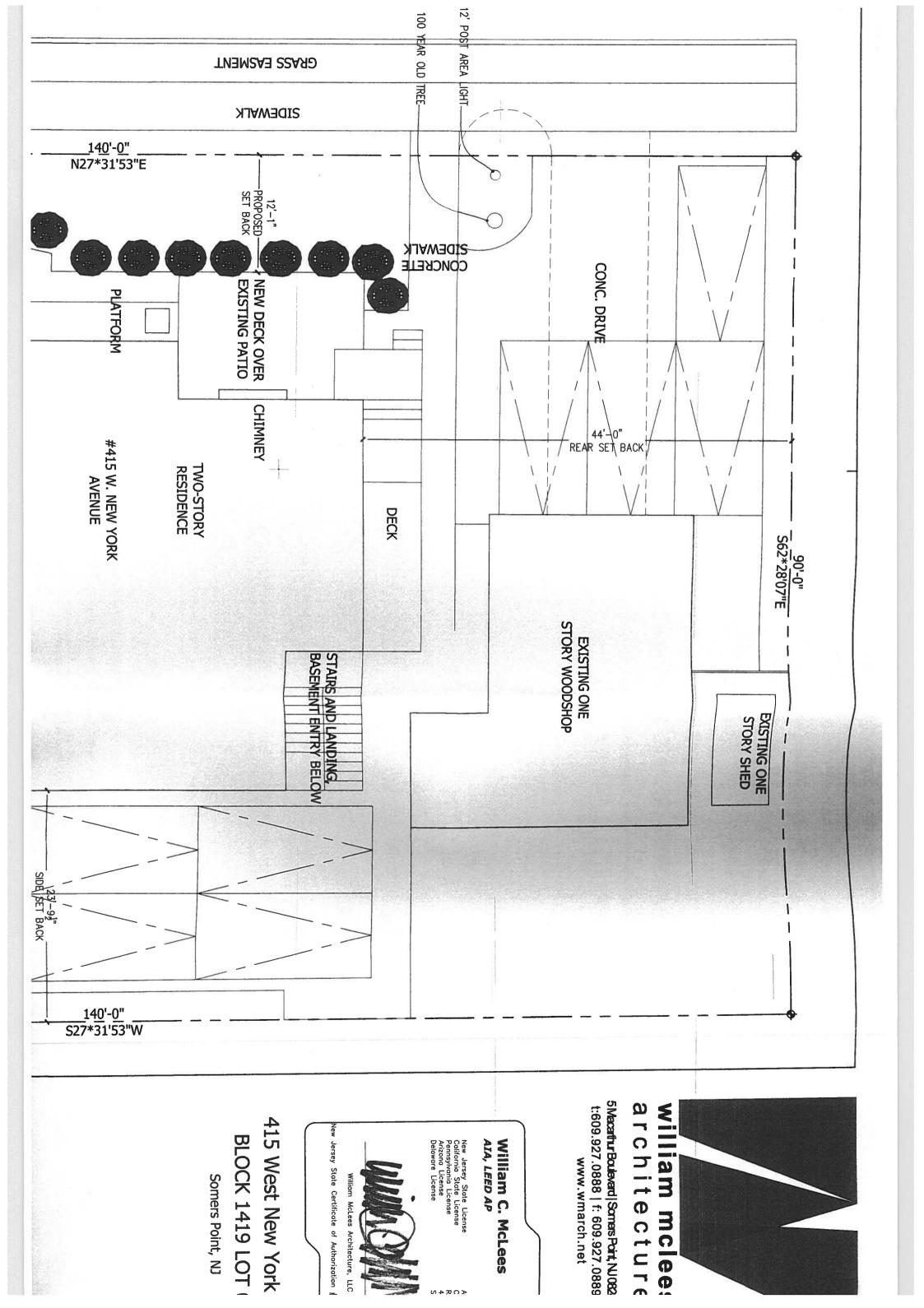
Certificate of Authorization #24GA28103800

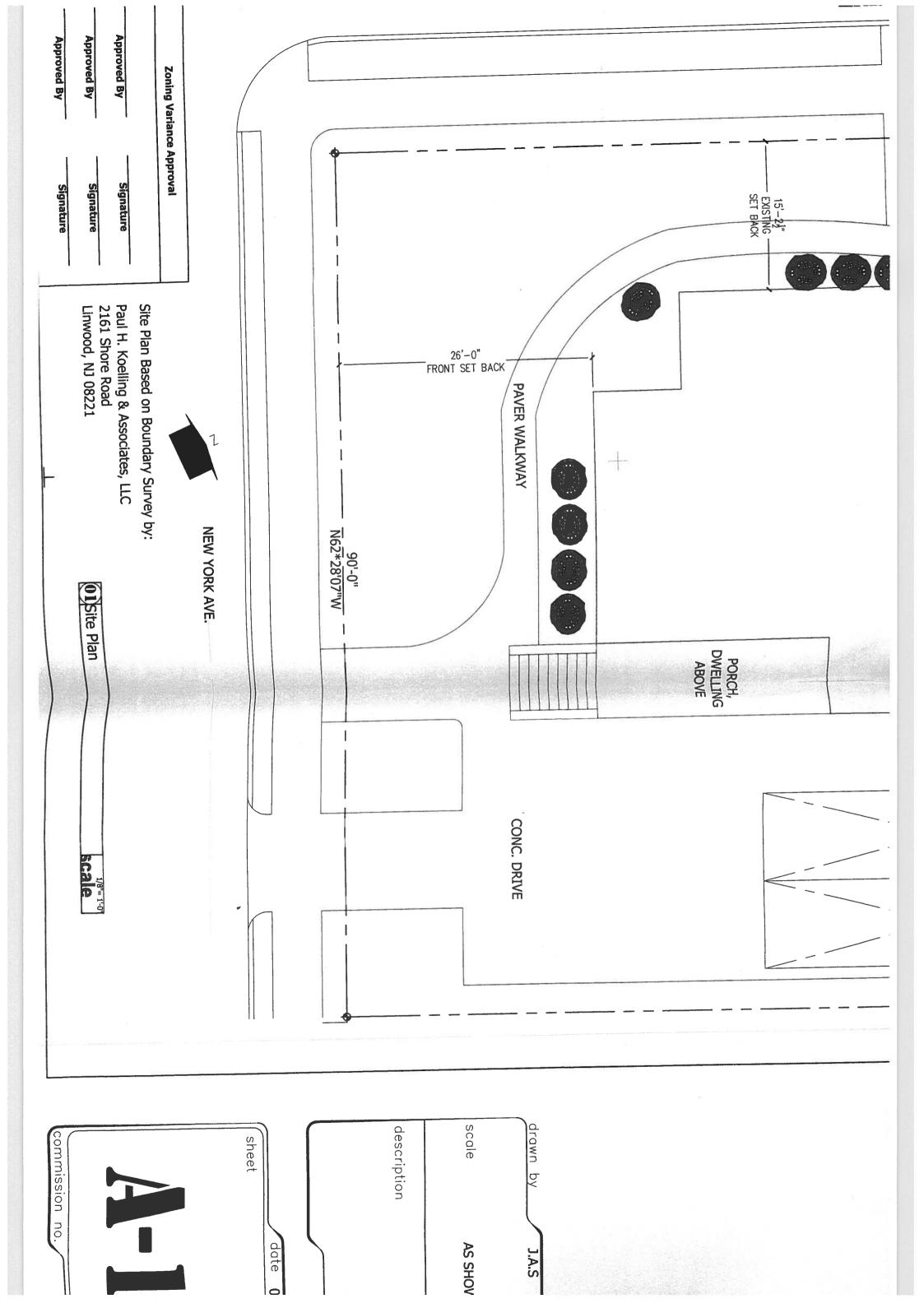
SURVEY OF PROPERTY FOR:

THE WYNDGALE CONDOMINIUM ASSOCIATION, LLC

415 NEW YORK AVENUE BLOCK 1419, LOT 1 CITY OF SOMERS POINT ATLANTIC COUNTY **NEW JERSEY** 

DATE:	3-24-21	
SCALE:	1"=20'	
DRAWN:	B.G.	
CHECKED	H.A.T.	
UPDATED:		
FILE NO.	21-177	





#### SOMERS POINT ZONING BOARD OF ADJUSTMENT

IN THE MATTER OF THE APPEAL OF:

NAME Deborah Mc Ginnis ADDRESS 903 W. Connecticut Ave Somers Point NJ 08244

THIS APPLICATION CONCERNS BLOCK 1424, LOT 12 ON THE TAX MAP OF THE CITY OF SOMERS POINT, HAVING THE FOLLOWING STREET ADDRESS 903 W. Connecticut Aux Somers Point

THE PREMISES ARE OWNED BY Deborah Mc Ginnis THE APPLICANT'S IN THE PROPERTY OTHER THAN THE OWNER IS

- THE LAND HAS FRONTAGE ON 9 5 Street OF 150 ft. FEET AND A DEPTH OF 100 FEET.
- 1. I HAVE FILED A PLOT PLAN AND SURVEY OF THE PREMISES WITH THE SECRETARY OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF SOMERS POINT WHICH MAY BE EXAMINED AT THE CODE ENFORCEMENT OFFICE, I W. NEW JERSEY AVENUE, SOMERS POINT, NEW JERSEY, ON WHICH PLOT I HAVE INDICATED EXISTING BOUNDARY LINES AND STRUCTURES AND CHANGES REQUESTED TO BE GRANTED HEREIN
- 4. THE LAND IS IN R 2 IS: residential

ZONE, AND THE PRESENT USE OF THE LAND

4A LOT SIZE /0,000

SQUARE FEET.

5. I DESIRE TO MAKE THE FOLLOWING CHANGES ( INSERT HOW THE EXISTING

USE WILL BE CHANGED OR MODIFIED):

T. would like a 5' privacy fence to run along side of my deck with pool - to block street traffic view of my yard.

- 6. PLAN PREPARED BY Self Debi McGinnis
- 7. TYPE OF APPEAL:

AN INTERPRETATION OF THE ( )ZONING ORDINANCE ( )ZONING MAP ( ) A SPECIAL EXCEPTION TO THE ZONING ORDINANCE

X A VARIANCE FROM THE STRICT APPLICATION OF THE ZONING ORDINANCE

( ) A USE VARIANCE

3 I DESIRE THE ZONING BOARD OF ADJUSTMENT TO GRANT A VARIANCE OR A SPECIAL USE PERMIT ( SPECIFY IN DETAIL ACTION OF THE ZONING OFFICER)

I would like a fence please

9. SET FORTH IN DETAIL, INCLUDING ALL FACTS THAT YOU WISH TO RELY ON AT THE HEARING, WHY THE ZONING BOARD SHOULD GRANT YOUR APPLICATION. ( APPLICATION MAY BE DECIDED ON REASONS HEREIN IN THE EVENT THAT NO ONE DESIRES TO BE HEARD ON THE APPLICATION). I have a corner property which makes it impossible to have a fence 20' from the street. I would like to block the view of cars to my pool/deck.

10. STATE NAME, ADDRESS AND TELEPHONE NUMBER OF THE ATTORNEY REPRESENTING THE APPLICANT, IF ANY.

none

SET FORTH ANY PREVIOUS APPLICATIONS MADE TO THIS BOARD FOR THIS ABOVE PROPERTY INDICATING DATE AND RESULT.

none

APPLICANTS TELEPHONE NUMBER: HOME - 609 264-3185 WORK 609. 522, 1471

#### SITE PLAN AND SUBDIVISION

\*

#### SITE PLAN

- PROPOSED LAND USE
- 2. DENSITY PERMITTED
  - PROPOSED
- PERCENTAGE OF BUILDING COVERAGE PERMITTED

PROPOSED

- PROPOSED

NUMBER OF PARKING SPACES - REQUIRED

PROPOSED

- NUMBER OF RESIDENTIAL UNITS PROPOSED
- SQUARE FOOTAGE OF RESIDENTIAL UNITS PERMITTED SQUARE FOOTAGE OF LOT
- 7 FRONT YARD SETBACK REQUIRED

- PROPOSED 8. REAR YARD SETBACK - REQUIRED
  - PROPOSED
- 9. SIDE YARD SETBACK REQUIRED N S E W (CIRCLE ONE)

- PROPOSED

AN DEPO CULT DELOUCK & MEGORIERO O DE M. LOMORE MOIST

- PROPOSED

10. BUILDING HEIGHT - PERMITTED

- PROPOSED

11 CLASSIFICATION OF STRUCTURE ONE STORY TWO STORY

> THREE OR MORE OTHER

FACILITIES FOR TRASH AND GARBAGE DISPOSAL

PRIVATE

YES NO

- BUFFER ZONES DESCRIBE LOCATION AND EXTENT PROVIDED
- 14. RECREATIONAL FACILITIES PROVIDED
- 15 IF TEN (10) UNITS OR MORE ARE PROPOSED, AN ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED

#### SUBDIVISION

- TOTAL AREA OF TRACT
- 2 PORTION BEING SUBDIVIDED
- NUMBER OF LOTS BEING CREATED
- 4 PURPOSE OF SUBDIVISION
- TO PROPOSED USE OF NEW LOTS

STATE OF NEW JERSEY, COUNTY OF Atlantic

SIGNATURE OF APPLICANT OR ATTORNEY

SIGNATURE OF NOTARY SWORN TO ME ON THIS

DAY OF MAY

OSCAR A CASTOIRE Notary Public - State of New Jersey My Commission Expires May 13, 2024

# City of Somers Point DEPT. OF CONSTRUCTION ENFORCEMENT

May 13, 2021

Debi McGinnis 903 W. CT. Ave. Somers Point, NJ 08244

**Zoning Permit Refusal** 

Your application for a Zoning Permit has been denied for the following:

Fence is in the front yard setback (20')
Fence must be no higher than 4' and must be 50% open

Per Municipal Code 114-15:D(2) and 114-184:G(2-4)

James McBrien

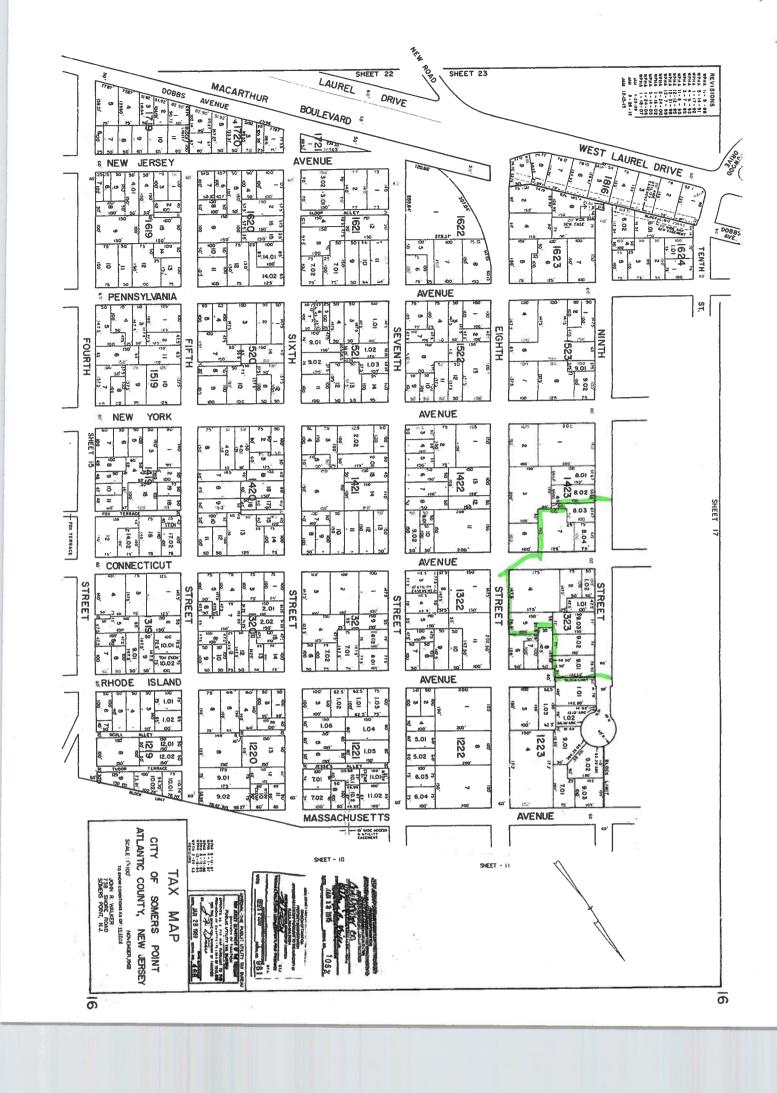
**Zoning/Code Enforcement Officer** 

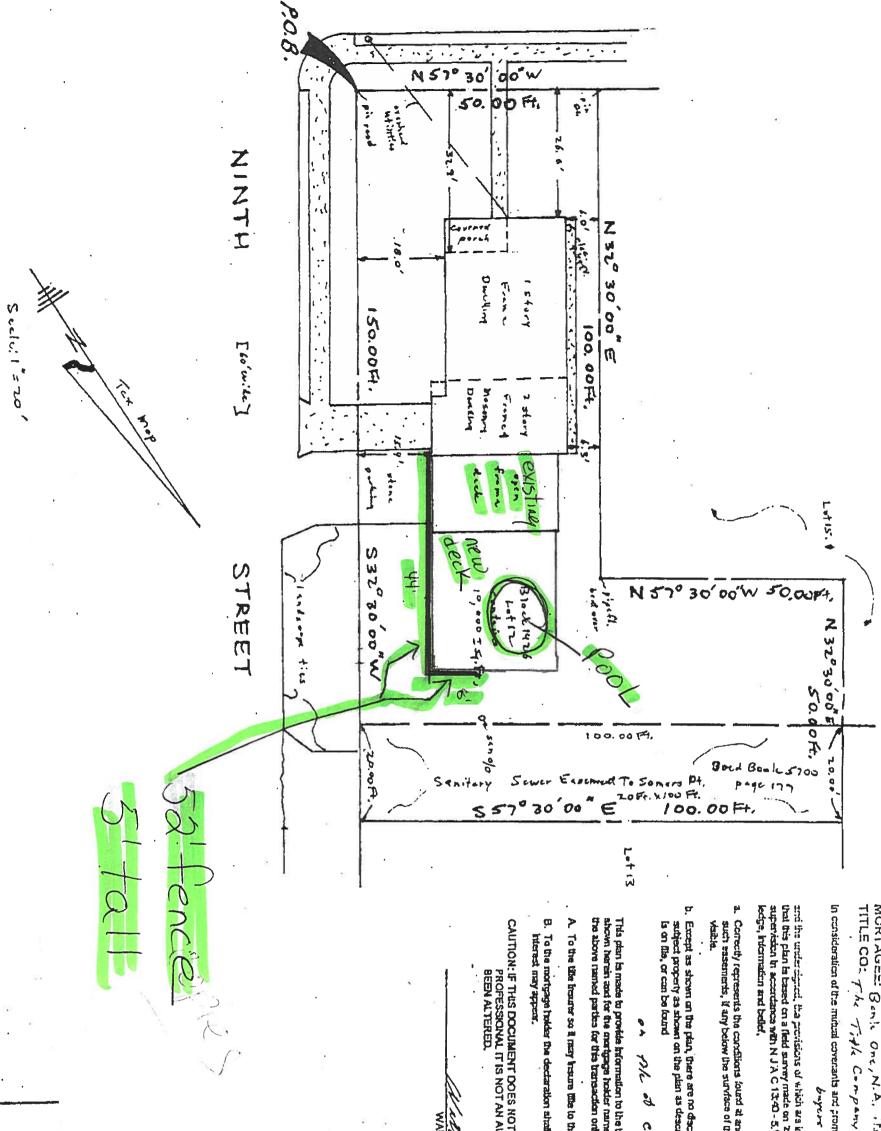
James me Brien

"Small Town Charm on the Bay"

City Hall • 1 W. New Jersey Avenue • Somers Point, New Jersey 08244 • (609) 927-9088 Ext. 142 • Fax: 927-0177







MORTAGEE: Bonk One, N.A. it's successore and/or assigns TITLE CO: The Title Company MORTAGEOR: Deboreh meG 11.45 of Gersey,

In consideration of the minimal coverants and promises contained in the agreement between

incurporated herein by reference, I dectars 2/2/03 by me or under my immedals and in the best of my professional brown

Correctly represents the caratitions found at and as of the date of the field survey, except such easements, if any below the survices of the lands or on the surface of the lands not

Except as shown on the plan, there are no discrepancies between boundary lines of the subject properly as shown on the plan as described in the legal description of record which is on the, or can be found

Coanty Clarks

This plan is made to provide information to the title insurer so that it may insure title to the land shown herein and for the mortgage holder named above. This declaration is given solely to the above named parties for this transaction only and is not transferable except provided herein

To the little from the so it may have title to the premises shown here on,

To the mortgage holder the declaration shall survive to its successors or assigns as their

CAUTION: IF THIS DOCUMENT DOES NOT CONTAIN THE RAISED IMPRESSION SEAL PROFESSIONAL IT IS NOT AN AUTHORIZED ORIGINAL DOCUMENT AND MA BEEN ALTERED.

TIERE KUPPEL PLS # 35376

ANTIC CO., NEW J Mgos W. Connecticut , MAP OF PROPER B1...1.1426 Deborah megina SITUATE IN 412

PROFESSIONAL LAND S tto & Kerpan 2 · PLS#35376

LTER E. KUPPE

P.(

O. BOX 151 LINWOOD, NEW

[856] 681 - 6757



the shore starts here!

City of Somers Point—
DEPARTMENT OF TAX & SEWER COLLECTION

May 17, 2021

I certify the attached is a list of property owners within 200' of **Block 1426 Lot 12** based on the information provided in the maps of the City, which is reasonably accurate when considering the scale of the tax map and the precision of the instruments used to measure the distances.

Please notify:

Conectiv Real Estate Department 5100 Harding Highway, Ste#399 Mays Landing, NJ 08330

Public Service Electric and Gas Company Manager-Corporate Properties 80 Park Plaza, T6B Newark, NJ 07102

Lisa A King, CTC

Tax Collector

P.O. Box 157 • Somers Point, NJ 08244 • (609-927-9088 x141 • Fax: (609) 926-0536 somerspointgov.org

Identi	fication	Name		
		Street Address City, State Property Location	Zip	
Block: Lot: Qual:	1323 1.01	ALLEN, ELSIE C UNKNOWN UNKNOWN 622 NINTH ST	00000	
Block: Lot: Qual:	1323 1.02	PAYNE, FRANK & TERRI 11 WELSH LANE MORGANTOWN, PA 821 W CONNECTICUT AVE	19543	
Block: .ot: Qual:	1323	PAYNE, FRANK & TERRI 11 WELSH LN MORGANTOWN, PA 819 W CONNECTICUT AVE	19543	19
lock: ot: ual:	1323	SOMERS POINT DEVELOPMENT 1535 CHESTNUT STREET #20 PHILADELPHIA, PA 625 NEW RD	ASSOC LLC 00 19102	
lock: ot: ual:	1323	PML PROPERTIES LLC 609 NEW RD SOMERS POINT, NJ 611 NEW RD	08244	
lock: ot: ual:	1323 9.01	VETRANO, CALOGERO 616 NINTH ST SOMERS POINT, NJ 616 NINTH ST	08244	
ock: ot: al:	1323 9.02	BELUM, MARCELLA H 618 9TH ST SOMERS POINT, NJ 618 NINTH ST	08244	3 <b>X</b> (
ock: t: al:	1323 9.03	COSTELLO, ROBERT & PATRIC 620 NINTH ST SOMERS POINT, NJ 620 NINTH ST	08244	
ock: t: al:	1423 7	CSJ PROPERTIES LLC 646 NEW RD SOMERS POINT, NJ 816 W CONNECTICUT AVE	08244	
ock: :: il:	1423 8.03	PATRAS, GEORGIA 807 W NEW YORK AVE SOMERS POINT, NJ 604 NINTH ST	08244	

Identif	ication	Name Street Address City, State Property Location	Zip	
Block: Lot: Qual:	1423 8.04	KELLY, PATRICIA K 824 W CONNECTICUT AVE SOMERS POINT, NJ 824 W CONNECTICUT AVE	08244	4
Block: Lot: Qual:	1424 7	DILL, HOWARD W JR & HOWARD C/O PREMIER PROPERTY INVE 6 DARTMOUTH RD SOMERS POINT, NJ 920 W CONNECTICUT AVE		
Block: Lot: Qual:	1424 8	KOCH, JOSEPH C & KATHLEEN 918 W CONNECTICUT AVE SOMERS POINT, NJ 918 W CONNECTICUT AVE	M 08244	
Block: Lot: Qual:	1424 9	KING, MICHAEL & ROSLYN (BI 910 W CONNECTICUT AVE SOMERS POINT, NJ 910 W CONNECTICUT AVE		
Block: Lot: Qual:	1424 11	MELSON, AMY 900 W CONNECTICUT AVE SOMERS POINT, NJ 900 W CONNECTICUT AVE	08244	
Block: Lot: Qual:	1424 13.03	PATRAS, GEORGIA 807 W NEW YORK AVE SOMERS POINT, NJ 641 NINTH ST	08244	
Block: Lot: Qual:	1426	HAMPTON, JOHN J & KRISTINA 1 NASSAU RD SOMERS POINT, NJ 1 NASSAU RD	08244	
3lock: _ot: Qual:	1426	SAWERS, JOHN J & SEGAL, RI 12 FISCHER RD LINWOOD, NJ 3 NASSAU RD	CHARD 08221	
Block: .ot: Qual:	1426 3	WYNER, JAMES M & ANN 5 NASSAU RD SOMERS POINT, NJ 5 NASSAU RD	08244	
Block: .ot: Qual:	1426 4	BURKE, SHIHO 7 NASSAU RD SOMERS POINT,NJ 7 NASSAU RD	08244	

Identi	fication	Name Street Address City, State Property Location	Zip	
Block: Lot: Qual:	1426 5	SHELTON, NANCY J;REVOCABL 701 ASBURY AVE 3C OCEAN CITY, NJ 9 NASSAU RD	.E TRUST 08226	
Block: Lot: Qual:	1426 12	MCGINNIS, DEBORAH 903 W CONNECTICUT AVE SOMERS POINT, NJ 903 W CONNECTICUT AVE	08244	
Block: Lot: Qual:	1426 13	PUHALSKI, WENDY L 623 NINTH ST SOMERS POINT, NJ 623 NINTH ST	08244	
Block: Lot: Qual:	1426 14.01	HAMADA,EDWARD JR & ABENIR, 621 NINTH ST SOMERS POINT, NJ 621 NINTH ST	LEONELY?	
Block: Lot: Qual:	1426 14.02	SORENSEN, MARYANNE 439 FAIRFAX RD DREXEL HILL PA 619 NINTH ST	19026	
Block: .ot: Qual:	1426 15.01	MEYER, JEANNE (R EDDLEMAN 1913 W CONNECTICUT AVE SOMERS POINT, NJ 913 W CONNECTICUT AVE	LIFE EST 08244	
lock: ot: ual:	1426 15.02	DOUGLAS, ANTHONY & LINDA 9212 WISSINOMING ST PHILADELPHIA, PA 915 W CONNECTICUT AVE	19116	
lock: ot: ual:	1426 15.03	WILLET, EVE 143 E WALNUT ST SELLERSVILLE, PA 917 W CONNECTICUT AVE	18960	
lock: ot: ual:	1426 16.01	POLLOCK, KYLE 8119 MARSHALL AVE MARGATE CITY, NJ 527 NINTH ST	08402	

#### **GRIMLEY LAW**

22 NORTH SHORE ROAD ABSECON, NJ 08201 609-241-8970 F:609-568-5243 JIM@GRIM-LAW.COM

June 4, 2021

City of Somers Point Zoning Board of Adjustment 741 Shore Road Somers Point, NJ 08244

RE: Application \_\_\_\_\_ of 2021 Barbara Handson 10 West Braddock Drive Somers Point, NJ 08244 Block 1916; Lot 5

Dear Board:

Please accept this correspondence to serve as my entry of appearance on behalf of the Applicant, Barbara Handson, as well as a supplement to what has already been filed with the Board. We are still researching City records and may further supplement with additional information.

My client seeks a Certificate of Non-Conformance pursuant to N.J.S.A. 40:55D-68 because the dwelling that is presently on the property is non-conforming. Specifically, the applicable property is improved with a residential dwelling, which would be best characterized as a "duplex." The property is located in the R-1 Single-Family Residential District as codified in the Somers Point Municipal Code at §114-10 et seq. §114-11 provides that the only buildings permitted within the R-1 Zone are "single family detached dwellings."

"Single-family detached dwellings", or "one-family dwelling", is defined in the Code as "a detached building containing one dwelling unit only." §114-8.

Unfortunately, the Code as presently drafted does not have a definition in which a "duplex" such as this would fit. The dwelling is a 2 story structure with 2 apartments: an one upstairs and one downstairs. Both apartments have similar floor plans. With the exception that the apartments share a common foyer area, this use could fit in the "two-family dwelling" definition as found in the Code. The foyer area is a common use area. There is an entrance into the main dwelling leading to the foyer. From there, there is an separate entrance into the lower apartment, and stairs leading to the upstairs apartment,

City of Somers Point
Zoning Board of Adjustment
Page 2

also with a separate entrance. There is also a common stairwell on the outside of the dwelling.

The Applicant seeks a Certificate of Non-Conformance to allow the dwelling's current use continue.

#### N.J.S.A. 40:55D-68 provides:

The prospective purchaser, the prospective mortgagee, or any other person interested in any land upon which a non-conforming use...exist may apply in writing for the issuance of a certificate certifying that the use... existed before the adoption of the ordinance which rendered the use...non-conforming. The applicant should have the burden of proof. Application pursuant hereto may be made to the administrative officer within one year of the adoption of the ordinance which rendered the use or structure non-conforming or at any time to the Board of Adjustment...denial by the administrative officer shall be appealable to the Board of Adjustment.

#### N.J.S.A. 40:55D-68.

The Zoning Board's power to certify non-conforming uses is exclusive and may not be exercised by any other municipal agency. <u>Township of Stafford v. Stafford TP. Zoning Board of Adjustment</u>, 154 N.J. 62, 68 (1998). The governing body, therefore, is without power to certify non-conforming uses. <u>Id.</u> A Zoning Board's decision with respect to the certification of a pre-existing non-conforming use, pursuant to MLUL is not appealable to the governing body. Any appeal of the Board's decision must be brought by an action in lieu of prerogative writs. <u>Id.</u>

When the governing body enacts or amends a zoning ordinance, "there will inevitably be uses which are newly prohibited...these are known as non-conforming uses." Township of Stafford v. Stafford TP. Zoning Board of Adjustment, 154 N.J. 62, 68 (1998). Because it is considered inequitable to strip away a person's lawfully asserted property rights retroactively, the Municipal Land Use Law attempts to balance the Municipality's interest in being able to amend its zoning ordinance with the property owner's interest in maintaining the use and value of their property. Id. Therefore, although MLUL permits pre-existing, non-conforming uses to co-exist with the ordinance that, on its face, prohibits them. Id. However, there is a corresponding tendency of the Courts to strictly limit the scope of the use and to reduce its non-conformity as quickly as it is compatible with justice.

As for the standard of review, "a Zoning Board may only reject an application to certify a use as non-conforming if the application lacks substantial evidence. <u>Eltrym</u>

City of Somers Point Zoning Board of Adjustment Page 3

<u>Ueneva, LLC v. Keansberg Planning Board of Adjustment</u>, 407 N.J. Super 432 (Law Division 2008). "The party seeking to continue the non-conforming use bears the burden of proving the nature of the uses character at the time the ordinance was adopted making it non-conforming." <u>Id.</u> "A Zoning Board may only reject an application to certify a use as non-conforming if the application lacks substantial evidence. <u>Id.</u> "As such, an applicant must prove more than a mere intention to establish a use." <u>Id.</u>

In this matter, the Applicant will present testimony that the dwelling was built in 1955. It is in the same or very similar form as it was when constructed. It always had 2 "apartments." The Applicant purchased the property in May 2002. Since the Applicant has owned it, it has remained in the same form and same use.

When constructed, the dwelling and its use were not prohibited. The use and character of the property has remained unchanged through today's date. The Somers Point Zoning Ordinance was amended to make this a prohibited use in 1975.

Further, evidence will be presented that the Somers Point Tax office characterized this dwelling as a "duplex" and rental registration records will be presented that would show that there has been multi-family usage over the years.

In conclusion, this Board should issue a Certificate of Non-Conforming use because: 1) in 1955, the dwelling was designed and constructed to have 2 apartments; 2) when built, the multi-family use was not prohibited; and, 3) the character of use has remained unchanged up through and beyond the 1975 Ordinance amendment prohibiting this use.

Respectfully submitted,

ss//James Grimley

James P. Grimley, Esq.

JPG/mp

#### Somers Point Zoning Board of Adjustment Application

9. Set Forth in Detail, including all facts that you wish to rely on at the Hearing, why the Zoning Board should grant your application. (Application may be decided on reasons herein in the event that no one desires to be heard on the application).  The was purchased in 2002 from the original owner as a Dopler and has been used as such since some form the original owner form the original owner form the original owner form the original owner.							
0. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any.  1. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any the Applicant number of the Attorney representing the Attorney representing the Applicant number of the Attorney representing the Attorney repre	M						
11. Set Forth any previous applications made to this Board for the above property indicating date and result.							
12. Applicants Telephone number: Home - 609 927 5438							
cen Work- 609 385 6314							
**********							
SITE PLAN AND SUBDIVISION							
SITE PLAN							
. Property Land Use							
2. Density - Permitted							
- Proposed							
B. Percentage of Building Coverage - Permitted							
- Proposed							
Number of Parking Spaces - Required							
- Proposed							
5. Number of Residential Units Proposed							
6. Square Footage of Residential Units - Permitted							
Square Footage of Lot Proposed							

7. Front Yard Setback - Required
- Proposed
8. Rear Yard Setback - Required
- Proposed
9. Side Yard Setback - Required NSEW (Circle One)
- Proposed
9a. Side Yard Setback - Required N S E W (Circle One)
- Proposed
10. Building Height - Permitted
- Proposed
11. Classification of Structure: One Story_Two Story_Three or More_Other
12. Facilities for Trash and Garbage Disposal
Private: YesNo
13. Buffer Zones - Describe Location and Extent Provided
14. Recreational Facilities Provided
15. If Ten (10) Units or More are Proposed, an Environmental Impact Statement is Required.
SUBDIVISION
1. Total Area of Tract
2. Portion being Subdivided
3. Number of Lots being Created
4. Purpose of Subdivision
5. Proposed Use of New Lots

-4-

Signature of Applicant or Representative

State of New Jersey, County of \_\_\_\_

Signature of Applicant or Attorney

Signature of Notary

Sworn to Mc on this \_

Allantic

Dombara 1- Handson

Day of May

\_,20\_2(



#### 10 Braddock Dr, Somers Point, NJ 08244-1715, Atlantic County

	MLS Beds 4	MLS Baths 2	MLS List Price <b>\$374,900</b>	MLS List Date 05/04/2021
	MLS Sq Ft <b>2,000</b>	Lot Sq Ft N/A	Yr Built <b>1955</b>	Type N/A
OWNER INFORMATION				
	Mallian Barbana	a state of the	Dillian Zia	08234
Owner Name	Kellum Barbara		ax Billing Zip	7033
Tax Billing Address	1455 Somers Point Rd		ax Billing Zip+4	No.
Tax Billing City & State	Egg Harbor Twp, NJ	0	wner Occupied	NO
LOCATION INFORMATION				
School District	21	В	lock #	1916
Census Tract	128.02	Le	ot #	5
Carrier Route	C001	F	ood Zone Code	С
Zoning	R-1	F	ood Zone Panel	3400170001B
Township	Somers Pt City	F	ood Zone Date	11/17/1982
TAX INFORMATION				
Tax ID	21-01916-0000-00005	%	Improved	62%
Tax Area	21			
ASSESSMENT & TAX				
Assessment Year	2020	2019		2018
Assessed Value - Total	\$202,600	\$202,6	600	\$202,600
Assessed Value - Land	\$76,700	\$76,70		\$76,700
Assessed Value - Improved	\$125,900	\$125,9		\$125,900
= 0 000 (P*D./4-) - Ne		Oh and	- (4)	Change (0/)
Tax Year	Total Tax	Chang	e (\$)	Change (%)
2018	\$6,214			E. 191.
2019	\$6,347	\$134		2.15%
2020	\$6,532	\$184		2.9%
CHARACTERISTICS				
Land Use - State	Residential	E	xterior	Frame
Lot Frontage	60	Y	ear Built	1955
Lot Depth	130	В	edrooms	MLS: 4
Lot Acres	0.1791		otal Baths	MLS: 2
Building Sq Ft	Tax: 1,680 MLS: 2,000		ull Baths	MLS: 2
Stories	2		alf Baths	MLS: 0
Garage Capacity	MLS: 2			
SELL SCORE				
	Moderate		alue As Of	2021-05-13 23:51:10
Rating Sell Score	537	v	aide As Oi	2021-00-10 20.01.10
Gen Goore				
LISTING INFORMATION				05/04/0004
MLS Listing Number	550268		ILS Listing Date	05/04/2021
MLS Status	Active		ILS List Price	\$374,900
MLS DOM	25		ILS Orig. List Price	\$374,900
MLS Area	SOMERS POINT CITY		isting Agent	Thomas Dati
MLS Status Change Date	05/05/2021	L	isting Broker	COLDWELL BANKER ARGUS RE L ESTATE-NORTHFIELD
MLS Listing #	550260	41296	2	307545

06/13/2013

\$263,000

\$273,000

Seller

**Document Number** 

Property Details Courtesy of THOMAS DATI, South Jersey Shore Regional MLS

MLS Listing Date

MLS Listing Price

Recording Date

Settle Date

MLS Orig Listing Price

LAST MARKET SALE & SALES HISTORY

Generated on: 05/28/21 Page 1/2

08/10/2007

\$419,000

\$419,000

Frost John E

2041372

Property Details: Coursely of Thomas Dati, South Jersey shore regional MLS

The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable, but is not guaranteed. The accuracy of the data contained herein ca

05/04/2021

\$374,900

\$374,900

05/08/2002

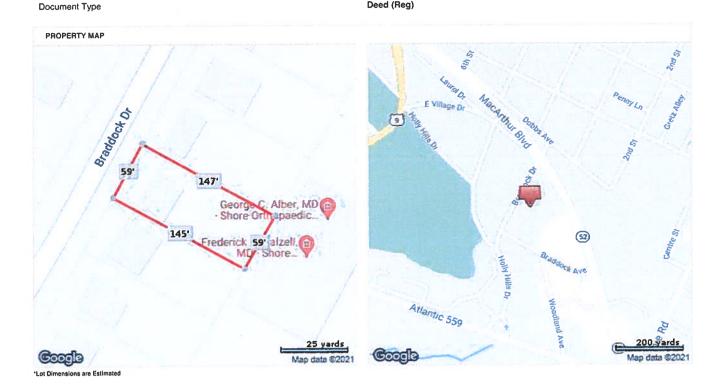
05/07/2002

\$125,000 Deed Type Sale Price Price Per Square Foot Kellum Barbara Owner Name Sale/Settlement Date Recording Date Sale Price Buyer Name Seller Name Document Number

05/07/2002 05/08/2002 \$125,000 Kellum Barbara Frost John E 2041372 Deed (Reg)

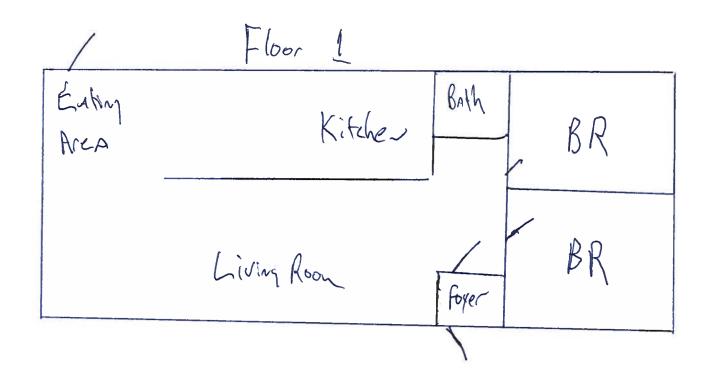
Deed (Reg)

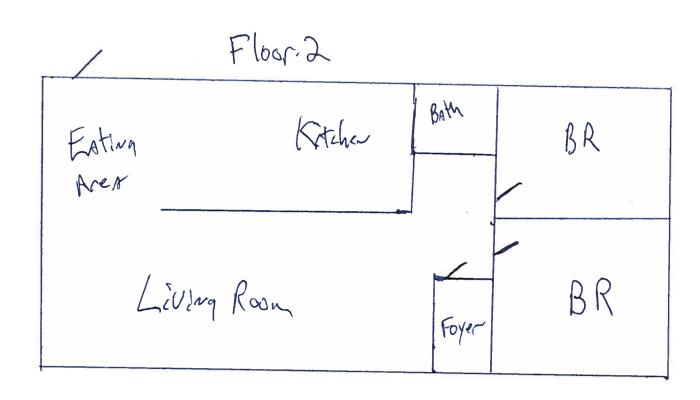
\$74.40



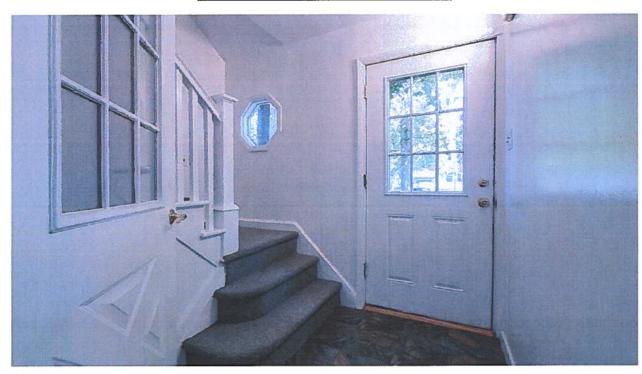
Property Details Courtesy of THOMAS DATI, South Jersey Shore Regional MLS The data within this report is compiled by CoreLegic from public and private sources. The data is deemed reliable, but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality. Generated on: 05/28/21

### 10 Braddock Dr. Floor Plan

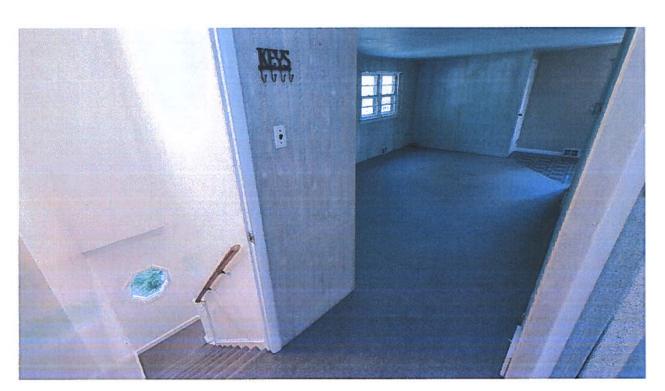




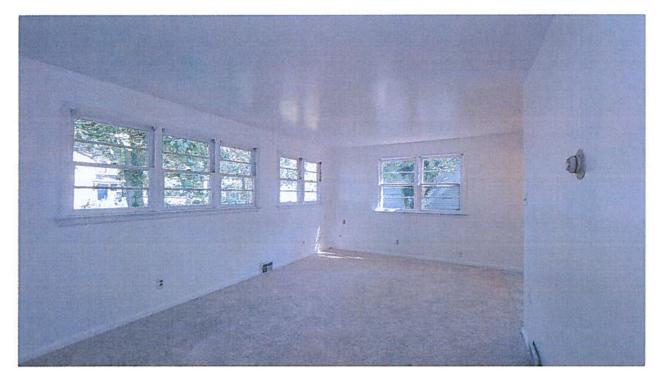
#### **10 Braddock Drive, Somers Point**



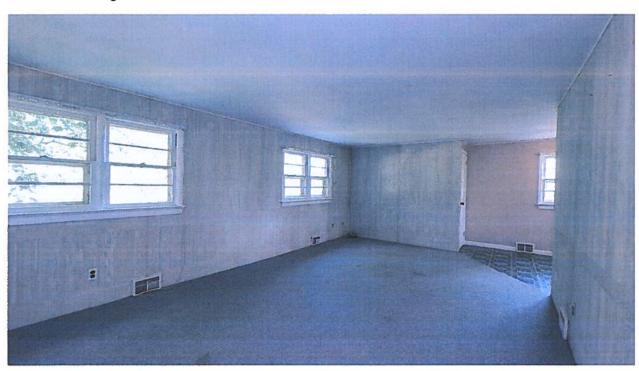
Main entrance foyer



Entrance to 2<sup>nd</sup> floor unit



1st floor unit living room



2<sup>nd</sup> floor unit living room



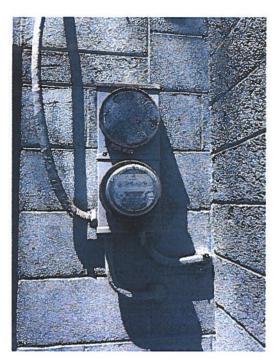
1st floor unit kitchen



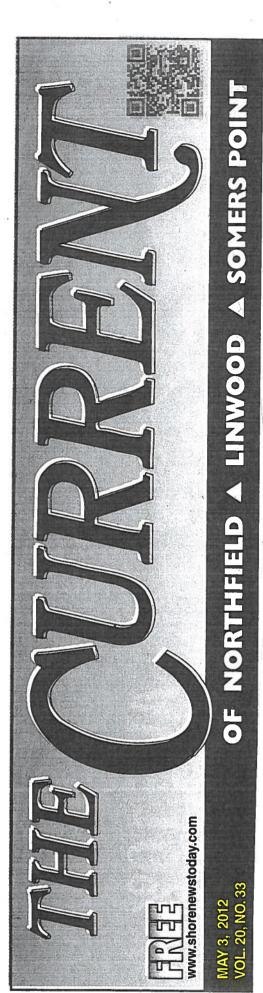
2<sup>nd</sup> floor unit kitchen



Separate entrances rear of property



Existing dual meter setup



# Somers Point

## requires registration of rental units

residential rental properties will now be required to provide more information to the city following a law passed Thursday. SOMERS POINT - All

City Council unanimously passed an ordinance April 26 that establishes a rental schedule designed to give registration program and fee

units.

"This is a long time coming - it is much needed by See RENTALS on Page 18

By SHAUN SMITH Staff Writer

the city better oversight over multiple family dwellings. It requires an annual reg-

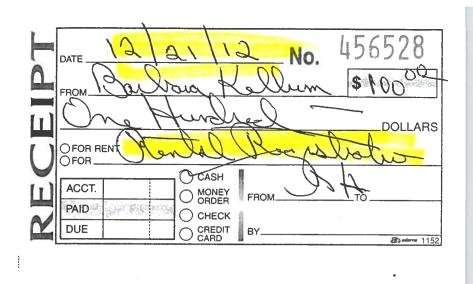
istration certificate to be issued for each unit in all rental properties in town. The mandatory filing, as stated in the intent of the ordinance, is to establish a baseline of residential

said he sees the ordinance as a way to give power to the city as well as the landlords to make housing complexes Councilman Dennis Tapp

#### City of Somers Point 1 West New Jersey (609)927-9088 ext. 142

Application for residential rental license & landlord registration
N.J.S.A. 46:8-27 et. Seq (1974)
Please complete application and return promptly with your payment
Application is hereby made to the City of Somers Point to operate a residential rental unit business in Somers Point. The following statements are made in order that said license may be granted

DATE: 12/21/12	
SECTION 1 - RENTAL PROPERTY INFORMATION	
Rental Property Address: 10 BRADDOCIC DE	., √
Block: 9/6 Lot: 5 Qual: 2 Total # of Residential R	
Does Property Owner reside in one of the units?   Y	′es □ No
SECTION 2 - PROPERTY OWNER INFORMATION	;
Check: ☐ Individual ☐ Partnership* ☐ Corporation *inecessary)	if a partnership, provide information for all partners (use additional sheets if
Record Owner of Premises: BARGARA TELLUM	Record Co-Owner of Premises:
Address: 145 MAYSLAND, NG RD City/State/Zip:E66 HARBER TWO N 3 08.234	Address:
City/State/Zip:EGG HARROR TWO N 7 08-234	Address:  City/State/Zip:
Daytime Phone: 1-09 927 5434	Daytime Phone:
Evening i none.	Evening Phone:
Cell Phone:	Cell Phone:
Email:	Email:
If Owner is a Corporation, please provide:	
Contact Person:	Registered Agent:
	ADDITESS:
city/state/21p	City/State/Zin:
Daytime I none	Davtime Phone:
evening i notic	Evening Phone:
	Cell Phone:
	Email:
Mail Rental Correspondence to: ☑ Owner ☐ Agent	
Has the Property Owner previously held a Residential	Rental Unit License in Somers Point? [] Ves [] No
If Yes, has that licenses ever been revoked or suspend	dad3 [] Vac [] Na
ros, has that hoshoes ever been revoked of suspend	ded! Thes I No
SECTION 3 PROPERTY MANAGER OR LOCAL AGEN ocal agent or person authorized to accept notices and issue record is required.	NT (if applicable per Ordinance)* If owner doesn't live in Atlantic County a receipts therefore and accept service of process on behalf of owner of
Company Name:	
Company Name:	
Manager/AgentAddress:	
ity/State/Zip:	
usiness Phone:	lome/Cell Phone:
ax number:	mail:



e .

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2

160

.

City of Somers Point
1 West New Jersey Avenue
City Hall
Somers Point, NJ 08244 (609)927-9088

FAX(609)927-0177

October 9, 2013 Parcel 1916/5 Reg# 00988

KELLUM, BARBARA 1455 MAYS LANDING RD EGG HARBOR TWP, NJ 08234

Subject: Annual Landlord Registration

In accordance with the landlord registration ordinance (no 10 of 2012) requiring all rental properties to be registered annually at a fee of \$50.00 per unit, attached please find a bill for 2014 and any unpaid balance for the year 2013. Failure to remit payment within 30 days may result in penalties being accessed. You can contact the construction office at(609) 927-9088 ext.142 if you have any questions.

Owner	KELLUM, BARBA 1455 MAYS LAN EGG HARBOR T	DING RD	Occupants & BirthDate	Parcel <b>1916/5</b> Fees Rate Group	DUP
Emergency	(609)927-5438	FAX		No. Units Rate	50.00 ea
email Facility Name			Amount  Bal Last Yr	0.00	
State No. Local Agent		(if any)		Fine/Penalty Total	0.00 100.00
	***************************************	***		Pd to Date Balance	0.00 100.00
		1	3 Check#: Cash	Date Due	11/01/2013

City of Somers Form 1 West New Jersey Avenue CONSTRUCTION OFFICE Somers Point, NJ 08244 (609)927-9088 FAX(609)927-0177

November 17, 2020 Parcel 1916/5 988 Reg#/ INVOICE

KELLUM, BARBARA 1455 MAYS LANDING RD EGG HARBOR TWP, NJ 08234

Subject: Annual Landlord Registration

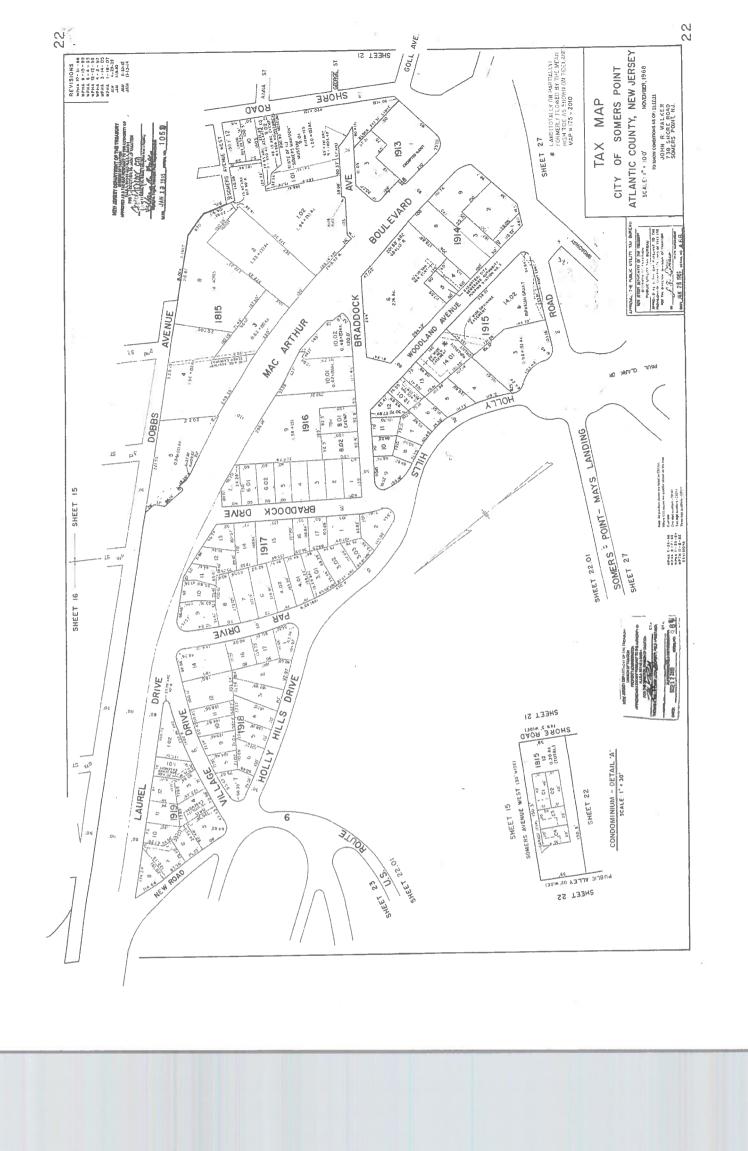
In accordance with the Landlord Registration Ordinance (No. 10 of 2012) requiring all rental properties are to be registered annually at a fee of \$50.00 per unit. Attached please find a bill for 2021 and any unpaid balance for the previous years. Failure to remit payment within 30 days may result in penalties being assessed. You can contact the construction office at (609) 927-9088 ext.142 if you have any questions.

IF THIS IS NOT A RENTAL PROPERTY AND OWNER OCCUPIED OR BY OWNER'S FAMILY PLEASE SIGN THIS BILL, DATE AND WRITE THE PROPERTY IS OWNER OCCUPIED AND RETURN TO US.

UPON RECEIPT WE WILL REMOVE YOUR PROPERTY FROM FUTURE BILLINGS.

THANK YOU!

SP. fee ) pental Zum 150 53





the shore starts here!

City of Somers Point

DEPARTMENT OF TAX & SEWER COLLECTION

May 28, 2021

I certify the attached is a list of property owners within 200' of **Block1916 Lot 5** based on the information provided in the maps of the City, which is reasonably accurate when considering the scale of the tax map and the precision of the instruments used to measure the distances.

Please notify:

Conectiv Real Estate Department 5100 Harding Highway, Ste#399 Mays Landing, NJ 08330

Public Service Electric and Gas Company Manager-Corporate Properties 80 Park Plaza, T6B Newark, NJ 07102

New Jersey State Dept. of Transportation 1035 Parkway Avenue Trenton, NJ 08625

Lisa A King, CTC

P.O. Box 157 • Somers Point, NJ 08244 • (609-927-9088 x141 • Fax: (609) 926-0536 somerspointgov.org

Batch I	d: 1916-5			
Identif	ication	Name Street Address City, State Property Location	Zip	85
Block: Lot: Qual:	1916 1	PASSMORE, MICHAEL & STACK, 18 BRADDOCK DR SOMERS POINT, NJ 18 BRADDOCK DR	MELISSA 08244	
Block: Lot: Qual:	1916 2	DISCIASIO, FRANK & SANDRA 16 BRADDOCK DR SOMERS POINT, NJ 16 BRADDOCK DR	08244	
Block: Lot: Qual:	1916	WILSON, CHARLES M & SULLIV 14 BRADDOCK DR SOMERS POINT, NJ 14 BRADDOCK DR	AN, MARY 08244	
Block: Lot: Qual:	1916 4	VACCA, SUSAN 2700 DEVEREAUX PHILADELPHIA, PA 12 BRADDOCK DR	19149	
Block: Lot: Qual:	1916 6.01	HANSEN HOUSE, LLC PO BOX 1020 COLOGNE, NJ 6 BRADDOCK DR	08213	
Block: Lot: Qual:	1916 6.02	BLUNDI, DOMENICK 8 BRADDOCK DR SOMERS POINT, NJ 8 BRADDOCK DR	08244	
Block: Lot: Qual:	1916 7	BAGLIVO, STEVEN 8005 ATLANTIC AVE MARGATE, NJ 2 BRADDOCK DR	08402	16
Block: Lot: Qual:	1916 8.01	CARMEAN, LORI & CORSON, NO 105 BRADDOCK AVE SOMERS POINT, NJ 105 BRADDOCK AVE	RMAN JR 08244	
Block: Lot: Qual:	1916 8.02	DAWKINS, TED & HOLLY 103 BRADDOCK AVE SOMERS POINT, NJ 103 BRADDOCK AVE	08244	
Block: Lot: Qual:	1916 9	SP RT 52 LLC C/O 24 MACARTHUR BLVD SOMERS POINT, NJ 24 MACARTHUR BLVD	08244	

Identification		Name Street Address City, State Property Location	Zip		
Block: Lot: Qual:	1917 1	MONSANTO, CHARLTON 3 KATELYNS WAY BROOMALL, PA 15 BRADDOCK DR	19008		
Block: Lot: Qual:	1917 3.01	DONNELLY, LEONARD 93 HOLLY HILLS DR SOMERS POINT, NJ 93 HOLLY HILLS DR	08244		
Block: Lot: Qual:	1917 4.01	GILLIAN, ELIZABETH M. 91 HOLLY HILLS DR SOMERS POINT, NJ 91 HOLLY HILLS DR	08244		
Block: Lot: Qual:	1917 4.02	D'AGOSTINO, LINDA 10 PAR DR SOMERS POINT, NJ 10 PAR DR	08244		i
Block: Lot: Qual:	1917 13	SCERATI, VINCENT JR 136 VETERANS AVE WEST BERLIN, NJ 1 BRADDOCK DR	08091		
Block: Lot: Qual:	1917 14	DISCIASCIO, ANTHONY & LISA 3 BRADDOCK DR SOMERS POINT, NJ 3 BRADDOCK DR	08244		Si .
Block: Lot: Qual:	1917 15	SPOLTORE, GRANT & PICCOLI, 7 BRADDOCK DR SOMERS POINT, NJ 7 BRADDOCK DR	DANA 08244		
Block: .ot: Qual:	1917 16	SHARP, ROBERT K 9 BRADDOCK DRIVE SOMERS POINT 9 BRADDOCK DR	08244		
lock: ot: oual:	1917 17	LONERGAN, BRUCE D & LINDA M 153 OLDBURY DR WILMINGTON, DE 11 BRADDOCK DR	.9808		