

**RABAN & RABAN**

— LLC —

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February 11, 2020

Via Hand Delivery and Email [Jfife@beachhaven-nj.gov](mailto:Jfife@beachhaven-nj.gov)

Jackie Fife, Secretary  
Beach Haven Land Use Board  
300 Engleside Ave.  
Beach Haven, NJ 08008

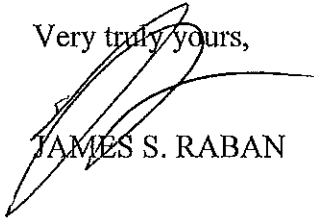
Re: Knox Variance  
Block 107, Lot 3  
901 S. Atlantic Ave., Beach Haven, NJ 08008

Dear Ms. Fife:

Enclosed please find the following with regard to the above referenced matter:

- (x) 5 copies of Land Use Development Application
- (x) 5 copies of Variance Plans prepared by Leon Tyska of Nelke/Tyska Land Surveyors, LLC
- (x) 5 copies of Architect Plans prepared by David Gaffin, Architect, of Studio Tagland Designs, LLC
- (x) Public Notice
- (x) Check No. 1859 Amount \$100.00 Administrative Fee
- (x) Check No. 1860 Amount \$1,500.00 Escrow Account Deposit
- (x) Please consent and/or approve for public hearing on March 3 at 6:00p.m.

Very truly yours,

  
JAMES S. RABAN

JSR/dh

Encl.

Cc: Mr. & Mrs. Ronald Knox (via email) (w/o encs.)  
Nelke and Tyska P.E. P.P. (via email) (w/o encs.)  
David Gaffin, Architect, Studio Tagland Designs, LLC (via email) (w/o encs.)

**PUBLIC NOTICE**

**BOROUGH OF BEACH HAVEN**

Public notice is hereby given that Ronald D. Knox and Samantha S. Knox (hereinafter collectively referred to as the "Applicant") have applied to the Land Use Board of the Borough of Beach Haven, Ocean County, New Jersey for a variance from Borough ordinances relative to proposed development on the property designated as Lots 3 and 4 in Block 107 on the Tax Map of the Borough of Beach Haven, located at 901 S. Atlantic Ave.

The Applicant seeks to demolish the existing single-family dwelling on the property and construct a new single-family dwelling. The applicable height ordinance reads as follows:

Section 212-9(D)(1): No building of structure shall exceed 35 feet nor three stories in height. The measurement shall be taken from the center-line grade of the nearest improved street or easement on which the building or structure is located. In the case of property fronting on two or more lawful streets, the elevation of the existing center-line street grade to the lowest street shall govern. To determine the height on the vertical plane of the building being measured, a straight, level line perpendicular to the edge of the easement or improved street and running directly from the center-line grade of the said easement or improved street to the vertical face of the building at its closest point to the center-line grade of the improved street or easement shall be marked, from which a vertical line shall be taken upwards to the point of the intersection of the plane of the highest point of the building.

The subject property is an oceanfront lot, located at the corner of S. Atlantic Ave. and Belvoir Ave. Based upon the height ordinance above, the height of the proposed dwelling is to be measured from the center-line grade of S. Atlantic Ave. The ordinance causes a hardship as applied to the Applicant's property based upon the fact that Belvoir Ave. and Applicant's property slope substantially upward toward the beach from S. Atlantic Ave. Using S. Atlantic Ave. to measure the height, as required by the ordinance, the proposed single-family dwelling has a proposed height of 38.4 feet where a maximum of 35 feet is permitted. Due to the configuration of the Applicant's property, the Applicant is requesting that the height be measured

from the center-line grade of Belvoir Ave. rather than S. Atlantic Ave. If the height were measured from Belvoir Ave., the proposed height would comply with the zoning ordinance.

If the Board determines that any additional variances, waivers or exceptions are necessary or appropriate, then such variances, waivers, or exceptions will be requested at the hearing.

A public hearing has been scheduled for March 3, 2020 at 6:00 p.m. in the Meeting Room at 300 Engleside Avenue, Beach Haven, New Jersey, at which time any interested persons may appear and have an opportunity to be heard on this application.

Documents pertaining to this application are available for inspection by the public during normal business hours Monday through Friday in the office of the Land Use Board in the Beach Haven Borough Hall, also located at 300 Engleside Avenue in Beach Haven, New Jersey.

James S. Raban

Attorney for the Applicant

File #3394

**LAND USE DEVELOPMENT APPLICATION**

**BOROUGH OF BEACH HAVEN**  
BAY AVENUE AND ENGLSIDE AVENUE  
BEACH HAVEN, NEW JERSEY 08008  
(609) 492-0111

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**TO BE COMPLETED BY BOROUGH STAFF ONLY**

Date Filed \_\_\_\_\_ Docket No. \_\_\_\_\_  
Application Fees \_\_\_\_\_ Escrow Deposit \_\_\_\_\_  
Scheduled for: Review of Completeness \_\_\_\_\_ Hearing \_\_\_\_\_

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**1. SUBJECT PROPERTY - TO BE COMPLETED BY APPLICANT**

Location: 901 S. Atlantic Ave.  
Tax Map Page 4 Block 107 Lot 3 & 4  
Dimensions Frontage: 50 ft. Depth: 176.7 ft. (irregular) Total Area: 8,378.00 sq. ft.  
Zoning District: RA Single-Family Residential District

**2. APPLICANT**

Name: Ronald D. Knox and Samantha S. Knox

Address: 28 Turnberry Ct., Monroe, NY 10950

Telephone Number: Home: 845-774-9111 Local:  
Work : Fax:  
Applicant is a Corporation Partnership Individual X  
Other (Please Specify):  
Social Security Number / Federal ID Number

**3. DISCLOSURE STATEMENT**

Pursuant to N.J.S. 40:55D-48.1, the names and address of all persons owning 10% of the stock in a corporate application or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed (attach pages as necessary to fully comply.)

Name: N/A Interest:  
Address:  
Name Interest  
Address

APPLICANT IS RESPONSIBLE FOR PAYMENT OF ALL PROFESSIONAL REVIEW FEES, INCLUDING THE ENGINEERING AND ATTORNEY. ALL ENGINEERING AND LEGAL FEES MUST BE PAID BEFORE CONSTRUCTION OR ZONING PERMITS CAN BE ISSUED.

4. If owner (s) is other than the applicant, provide the following information on the Owner (s):

Owner's Name: Owner is same as Applicant

Address:

Telephone Number: Home: Work: Local:

Relationship of the applicant to the property in question:

Owner X Lessee Purchaser Under Contract : Other

5. PROPERTY INFORMATION:

Deed restrictions, covenants, easements, rights of way, association by-laws, or other dedication existing or proposed on the property:

Yes No X Proposed

Note: All Deed Restrictions, Covenants, Easements, Rights of Ways, Association By-Laws, or other dedications existing and proposed must be submitted for review.

Site Plan and / or conditional use applicants: N/A

Proposed for: Expanded Area Alteration

Expansion of Structure Change of Use Sign

Other (please specify):

Has this property been the subject of any prior application (s) to the Planning Board or Zoning Board of Adjustment? Yes No X

If so, please attach the date (s), the relief sought, the disposition of the case and a copy of the resolution (s).

Is the subject property located on:

A County Road: Yes No X ; A State Road: Yes No X ; within 200 feet of a municipal boundary: Yes No X

Present use of the premises: A single-family dwelling currently exists and is also proposed.

6. Applicant's Attorney JAMES S. RABAN

Address 11710 Long Beach Blvd., Haven Beach, NJ 08008

Telephone Number (609) 492 - 0533 Fax Number (609) 492 - 0464

7. Applicant's Engineer/Surveyor: Nelke/Tyszka Land Surveyors, LLC

Address: 382 W. 9th St., Suite 4, Ship Bottom, NJ 08008

Telephone Number: 609-494-3474 Fax Number: 609-361-9231

8. Applicant's Planning Consultant: N/A

Address

Telephone Number

Fax Number

9. Applicant's Architect: David Gaffin, Architect, Studio Tagland

Address 3 West Delaware Avenue, Long Beach Twp., NJ 08008

Telephone Number 609-361-8128

Fax Number

10. List any other Expert who will submit a report or who will testify for the Applicant: (Attach additional sheets as may be necessary):

Name: N/A

Field of Expertise:

Address:

Telephone Number:

Fax Number

**11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:**

**SUBDIVISION: N/A**

- Minor Subdivision Approval
- Subdivision Approval (Preliminary)
- Subdivision Approval (Final)

Number of Lots to be created:

Number of proposed Dwelling:

Area and Dimensions of each Proposed Lot:

**SITE PLAN: N/A**

- Minor Site Plan Approval
- Preliminary Site Plan Approval [Phases (if applicable)]
- Final Site Plan Approval [Phases (if applicable)]
- Amendment or Revision to an Approved Site Plan
- Area to be disturbed (square feet)

Total number of proposed dwelling units:

- INFORMAL REVIEW
- APPEAL DECISION OF AN ADMINISTRATIVE OFFICER [N.J.S. 40:55d-70A]
- MAP OR ORDINANCE INTERPRETATION OR SPECIAL QUESTION [N.J.S. 40:55D-70B]
- X VARIANCE RELIEF (HARDSHIP) [N.J.S. 40:55D-70C(1)]
- X VARIANCE RELIEF (SUBSTANTIAL BENEFIT) [N.J.S. 40:55D-70C (2)]
- VARIANCE RELIEF (USE) [N.J.S. 40:55D-70D]
- CONDITIONAL USE APPROVAL [N.J.S. 40:55D-67]

DIRECT ISSUANCE OF A PERMIT FOR A STRUCTURE IN BED OF A MAPPED STREET, PUBLIC DRAINAGE WAY, OR FLOOD CONTROL BASIN [N.J.S. 40:55D-34]  
DIRECT ISSUANCE OF A PERMIT FOR A LOT LACKING STREET FRONTAGE [N.J.S. 40:55D-35]

12. Section (s) of Ordinance from which a variance is requested:

Section 212-9(D)(1): No building or structure shall exceed 35 feet nor three stories in height. The measurement shall be taken from the center-line grade of the nearest improved street or easement on which the building or structure is located. In the case of property fronting on two or more lawful streets, the elevation of the existing center-line street grade to the lowest street shall govern. To determine the height on the vertical plane of the building being measured, a straight, level line perpendicular to the edge of the easement or improved street and running directly from the center-line grade of the said easement or improved street to the vertical face of the building at its closest point to the center-line grade of the improved street or easement shall be marked, from which a vertical line shall be taken upwards to the point of the intersection of the plane of the highest point of the building.

- The subject property is an oceanfront lot, located at the corner of S. Atlantic Ave. and Belvoir Ave. Based upon the height ordinance above, the height of the proposed dwelling is to be measured from the center-line grade of S. Atlantic Ave. The ordinance causes a hardship as applied to the Applicant's property based upon the fact that Belvoir Ave. and Applicant's property slope substantially upward toward the beach from S. Atlantic Ave. Using S. Atlantic Ave. to measure the height, as required by the ordinance, the proposed single-family dwelling has a proposed height of 38.4 feet where a maximum of 35 feet is permitted. Due to the configuration of the Applicant's property, the Applicant is requesting that the height be measured from the center-line grade of Belvoir Ave. rather than S. Atlantic Ave. If the height were measured from Belvoir Ave., the proposed height would comply with the zoning ordinance.

13. Waivers Requested of development Standards and/or Submission Requirements: (attach additional pages as needed):

The Applicant is not aware of any waiver requests at this time and reserves the right to request any applicable waivers that may be required at the hearing.

14. ATTACH A COPY OF THE PROPOSED NOTICE TO APPEAR IN THE OFFICIAL NEWSPAPER OF THE MUNICIPALITY AND TO BE MAILED TO THE OWNERS OF ALL REAL PROPERTY, AS SHOWN ON THE CURRENT TAX DUPLICATE, LOCATED WITHIN THE STATE AND WITHIN 200 FEET IN ALL DIRECTIONS OF THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION. THE NOTICE MUST SPECIFY THE SECTIONS OF THE ORDINANCE FROM WHICH RELIEF IS SOUGHT, IF APPLICABLE.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the administrative officer for the hearing. A copy of the proposed notice is attached.

15. An Affidavit of Service on all property owners and a Proof of Publications must be filed before the Application will be complete and the hearing can proceed.

Explain in detail the exact nature of the Application and the changes to be made at the premises, including the proposed use of the premises: (Attach pages as needed)

The Applicant is requesting a height variance, as discussed in number 12 above, to demolish the existing home at the property and construct a new single-family dwelling.

16. Is a public water line available? Yes
17. Is public Sanitary Sewer available? Yes
18. Does the application propose any lighting? Normal residential lighting
19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate Lot and Block number? N/A
20. Are any Off-Tract Improvements required or proposed? No
21. Is the Subdivision to be filed by Deed or Plat? N/A
22. What form of security does the applicant propose to provide as performance and maintenance guarantees?  
N/A
23. OTHER APPROVALS WHICH MAY BE REQUIRED AND DATE PLANS SUBMITTED:

	YES	NO	DATE PLANS SUBMITTED
LOCAL FIRE PREVENTION		x	
BEACH HAVEN WATER & SEWER DEPT.		x	
BEACH HAVEN PUBLIC WORKS DEPT.		x	
LONG BEACH ISLAND HEALTH DEPT.		x	
OCEAN COUNTY PLANNING BOARD		x	
OCEAN COUNTY SOIL CONSERVATION DEPT.		x	
N.J. DEPT. ENVIRONMENTAL PROTECTION		x	
SANITARY SEWER CONNECTION PERMIT		x	
SEWER EXTENSION PERMIT		x	
WATERFRONT DEVELOPMENT PERMIT		x	
WETLANDS PERMIT		x	
TIDAL WETLANDS PERMIT		x	
F.E.M.A.		x	
N.J. DEPT. OF TRANSPORTATION		x	
ATLANTIC ELECTRIC		x	
N.J. NATURAL GAS		x	
OTHER			

24. CERTIFICATION FROM THE TAX COLLECTOR THAT ALL TAXES DUE ON THE SUBJECT PROPERTY HAVE BEEN PAID.
25. LIST OF MAPS, REPORTS AND OTHER MATERIALS ACCOMPANYING THE APPLICATION  
(attach additional pages as required for complete listing)

THE DOCUMENTATION MUST BE RECEIVED BY THE BOARD SECRETARY AT LEAST TWENTY-ONE (21) DAYS PRIOR TO THE MEETING AT WHICH THE APPLICATION IS TO BE CONSIDERED. A LIST OF THE PROFESSIONAL CONSULTANTS IS ATTACHED TO THE APPLICATION FORM.

<u>Quantity</u>	<u>Description of Item</u>
5 copies	Land Use Development Application
5 copies	Variance Plan prepared by Nelke/Tyszka Land Surveyors, LLC
5 copies	Floor Plans and Elevations prepared by David Gaffin, Architect



26. THE APPLICANT HEREBY REQUESTS THAT COPIES OF THE REPORTS OF THE PROFESSIONAL STAFF REVIEWING THE APPLICATION PROVIDED TO THE FOLLOWING OF THE APPLICANT'S PROFESSIONALS:

SPECIFY WHICH REPORTS ARE REQUESTED FOR EACH OF THE APPLICANT'S PROFESSIONALS OR WHETHER ALL REPORTS SHOULD BE SUBMITTED TO THE PROFESSIONAL LISTED.

	Applicant's Professional	Reports Requested
<u>  x  </u>	Attorney	<u>All Reports</u>
<u>  x  </u>	Engineer	<u>All Reports</u>
<u>  x  </u>	Architect	<u>All Reports</u>

**CERTIFICATIONS**

28. I CERTIFY THAT THE FOREGOING STATEMENTS AND THE MATERIALS SUBMITTED ARE TRUE, AND WAIVE ALL APPLICABLE TIME LIMITS UNTIL THE FIRST PUBLIC HEARING OF THIS APPLICATION. I FURTHER CERTIFY THAT I AM THE INDIVIDUAL APPLICANT OR THAT I AM AN OFFICER OF THE CORPORATE APPLICANT AND THAT I AM AUTHORIZED TO SIGN THE APPLICATION FOR THE CORPORATION OR THAT I AM A GENERAL PARTNER OR THE PARTNERSHIP APPLICANT. (IF THE APPLICANT IS A CORPORATION, THIS MUST BE SIGNED BY AN AUTHORIZED CORPORATE OFFICER, IF THE APPLICANT IS A PARTNERSHIP, THIS MUST BE SIGNED BY A GENERAL PARTNER)

\_\_\_\_\_  
 SIGNATURE OF APPLICANT  
 JAMES S. RABAN, Attorney for Applicant

29. I UNDERSTAND THAT A SUM, TO BE DETERMINED, WILL BE DEPOSITED IN AN ESCROW ACCOUNT, IN ACCORDANCE WITH THE ORDINANCES OF THE BOROUGH OF BEACH HAVEN. I FURTHER UNDERSTAND THAT THE ESCROW ACCOUNT IS ESTABLISHED TO COVER THE COST OF PROFESSIONAL SERVICES INCLUDING ENGINEERING, PLANNING, LEGAL AND/OR OTHER EXPENSES ASSOCIATED WITH THE REVIEW OF SUBMITTED MATERIALS. SUMS NOT UTILIZED IN THE REVIEW PROCESS SHALL BE RETURNED. IF ADDITIONAL SUMS ARE DEEMED NECESSARY, I UNDERSTAND THAT I WILL BE NOTIFIED OF THE REQUIRED ADDITIONAL AMOUNT AND SHALL ADD THAT SUM TO THE ESCROW ACCOUNT WITHIN FIFTEEN (15) DAYS. I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR PAYING FEES DUE TO THE LAND USE BOARD ATTORNEY AND ENGINEER.

  2/11/20    
 DATE

\_\_\_\_\_  
 SIGNATURE OF OWNER OR APPLICANT  
 JAMES S. RABAN, Attorney for Applicant

**BOROUGH OF BEACH HAVEN PROFESSIONAL CONSULTANTS**

**LAND USE BOARD ATTORNEY**

Stuart D. Snyder, Esquire  
2100 Long Beach Blvd.  
Surf City, NJ 08008

(609) 494-7676  
FAX: (609) 494-8499

**ENGINEER**

Frank J. Little, Jr. P.E., P.P.  
Owen, Little & Associates, Inc.  
443 Atlantic City Boulevard  
Beachwood, NJ 08722

(732) 244-1090  
FAX: (732) 341-3412

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