

RABAN & RABAN

— LLC —

Attorneys at Law

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

REGINALD J. RABAN (Retired)

JAMES S. RABAN*▲

MEMBER OF NJ BAR *

MEMBER OF PA BAR▲

TEL (609) 492-0533

FAX (609) 492-0464

Email: jraban@regraban.com

May 8, 2023

Via Hand Delivery and Jfife@longbeachtownship.com

Jackie Fife

Long Beach Township Land Use Board

6805 Long Beach Boulevard

Brant Beach, NJ 08008

Re: Burgan Bulk Variance
Block 14.17, Lot 14
18 E. Culver Ave., Long Beach Township, N.J. 08008

Dear Jackie:

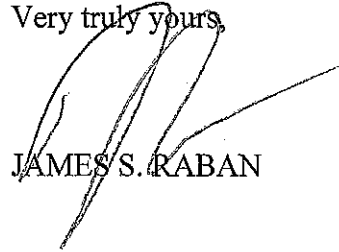
Enclosed please find the following with regard to the above referenced matter:

- (x) Original and 14 copies of Land Use Development Application;
- (x) 15 copies of Site Plans prepared by Rob Roth Architect, Inc.;
- (x) 15 Copies of Elevation Plans prepared by Rob Roth Architect, Inc.
- (x) 15 copies of Plot Plant of Survey prepared by Nelke/Tyszka Land Surveyors, LLC
- (x) 15 copies of Tax Map with Property Lot and Block highlighted;
- (x) 15 color copies of Property Photos (6);
- (x) 1 copy of Affidavit of Ownership;
- (x) 1 copy of Signed Checklist;
- (x) 1 copy of Technical Checklist;
- (x) 1 Proposed Public Notice;
- (x) W-9
- (x) Application Fee check 2947 Amount \$500.00
- (x) Attorney Escrow check 2949 Amount \$1,000.00
- (x) Please consent and/or approve for public hearing on June 14, 2023 at 6:30 p.m.

Jackie Fife
May 8, 2023
Page 2

If you have any questions, please do not hesitate to contact me. Thank you for your courtesies and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JAMES S. RABAN', written over the typed name below.

JAMES S. RABAN

JSR/dh

Encl.

Cc: LBI Coastal Builders (via email)
Mark and Angie Burgan (via email)
Rob Roth, Jr. A.I.A. (via email)
Leon Tyszka, P.L.S. (via email)
Frank Little, Jr., P.E., P.P. (via email and regular mail)
Kevin Quinlan, Esq. (via email and regular mail)

**APPLICATION TO THE LONG BEACH
TOWNSHIP LAND USE BOARD**

Do not write below - for official use only

Project Name: Burgan Variance
Block: 14.17 Lot(s): 14
Property Address: 18 E. Culver Avenue

Date Received: _____
Application Fee: \$ _____
Escrow Fee: \$ _____
Docket Number: _____

CHECK ALL THAT APPLY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Bulk Variance | <input type="checkbox"/> Minor Subdivision (Exempt) |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Major Subdivision/Preliminary |
| <input type="checkbox"/> Interpretation | <input type="checkbox"/> Major Subdivision Final Major |
| <input type="checkbox"/> Informal | <input type="checkbox"/> Site Plan/Preliminary Major |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Site Plan/Final |

**ANSWER ALL QUESTIONS. IF NOT APPLICABLE INDICATE WITH 'N/A' OR 'None'
DO NOT LEAVE BLANKS. INCOMPLETE APPLICATIONS WILL NOT BE
ACCEPTED OR WILL BE DEEMED INCOMPLETE**

1. Applicant Name: Mark Burgan & Angela Burgan
Address: Street: 107 E. 7th St. #1 City: Ship Bottom Zip: 08008
Phone: (609) 467-7774 e-mail: Burgana2@gmail.com

Applicant is: Owner Agent Corporation Partnership LLC

If applicant and/or owner is a corporation, LLC or partnership set forth the names addresses of all stockholders, partners or members having 10% or more interest on a separate paper. Corporations must be represented by a New Jersey licensed attorney and include a Resolution authorizing the Application.

2. Owner's Name: Same as Applicant
Address: Street: _____ City: _____ Zip: _____
Phone: _____ e-mail: _____

All owners must be identified and sign application. (Use additional pages if necessary)

3. Attorney: James S. Raban, Esq.
Address: Street: 11710 Long Beach Blvd. City: Haven Beach Zip: 08008
Phone: (609) 492-0533 e-mail: jraban@regraban.com

4. Planner/Surveyor: Nelke/Tyszka Land Surveyors, LLC
Address: Street: 382 W. 9th St. - Suite 4 City: Ship Bottom Zip: 08008
Phone: (609) 494-3474 e-mail: nelketyszka2@gmail.com

5. Architect: Robert B. Roth, Jr., AIA
 Address: Street: 4300 Long Beach Blvd. City: Brant Beach Zip: 08008
 Phone: (609) 494-7104 e-mail: robroth@robroth.net

Attache additional sheets if necessary.

6. Location of property:
 Zone: R-50 Lot Area: 2,275 sq. ft. Lot Dimensions: 35' x 65'

7. Is the property located on a county road? No

8. Current Use: Single-Family
 No. of Dwelling Units: 1 No. of Commercial Units: 0

9. Proposed Use: Single-Family

10. When was the property purchased? April 4, 2023

11. Date of Last Certificate of Occupancy: _____ Attach Copy

12. Date of last construction, alteration or addition: _____ Attach copies of permits

13. Existing conditions	Pre-Existing non-conformity	Proposed conditions	Variance Needed
Building Height: <u>16.90</u>	<input type="checkbox"/>	Building Height: <u>34.00</u>	<input type="checkbox"/>
Front Yard Set Back <u>0.00</u>	<input checked="" type="checkbox"/>	Front Yard Set Back <u>17.00</u>	<input checked="" type="checkbox"/>
Side Yard Set Back <u>2.50</u>	<input checked="" type="checkbox"/>	Side Yard Set Back <u>10.00</u>	<input type="checkbox"/>
Side Yard Set Back <u>12.50</u>	<input type="checkbox"/>	Side Yard Set Back <u>5.00</u>	<input type="checkbox"/>
Rear Yard Set Back <u>15.20</u>	<input type="checkbox"/>	Rear Yard Set Back <u>10.00</u>	<input type="checkbox"/>
Dist. to Adj. Struct. <u>16.10</u>	<input type="checkbox"/>	Dist. to Adj. Struct. <u>8.60</u>	<input checked="" type="checkbox"/>
Lot Coverage (sq.ft.) <u>973.70</u>	<input checked="" type="checkbox"/>	Lot Coverage (sq.ft.) <u>798.53</u>	<input checked="" type="checkbox"/>
% Lot Coverage <u>42.80</u>	<input checked="" type="checkbox"/>	% Lot Coverage <u>35.10</u>	<input checked="" type="checkbox"/>
% Impervious Coverage _____	<input type="checkbox"/>	% Impervious Coverage _____	<input type="checkbox"/>
No. Principal Structures <u>1.00</u>	<input type="checkbox"/>	No. Principal Structures <u>1.00</u>	<input type="checkbox"/>
No. Accessory Structures <u>1.00</u>	<input type="checkbox"/>	No. Accessory Structures <u>0.00</u>	<input type="checkbox"/>
Lot Width <u>35.00</u>	<input checked="" type="checkbox"/>		

14. Existing Restrictions:
 (A) Deed Restrictions: _____ (Attach Copies) None
 (B) Easements: _____ (Attach Copies) None
 (C) Condominium: _____ (Attach Copies) None

15. Proposed Restriction: _____ None

16. Variances and Waivers:

(A) List Required Variances: (Include Ordinance Number)

None

See attached Application Supplement.

On a separate paper provide legal theory supporting variance relief.

(B) List of Requested Waivers:

None

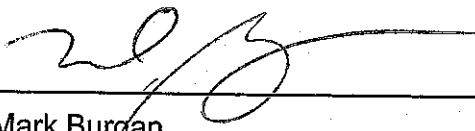
17. Briefly describe any prior or currently pending proceedings before the Land Use Board or any other Federal, State, County or local Board or Agency involving this property which is the subject of this application and attach copies of any application, supporting documentation, pleadings, decisions and/or orders from the relevant entity including any denials. None

18. List all material submitted with this application i.e. plans, surveys, drawings, photos, reports etc.

- Variance Plan prepared by Robert B. Roth, Jr., AIA
- Elevations prepared by Robert B. Roth, Jr., AIA
- Plot Plan of Survey prepared by Nelke/Tyszka Land Surveyors, LLC dated January 27, 2023
- 6 photographs of the subject property

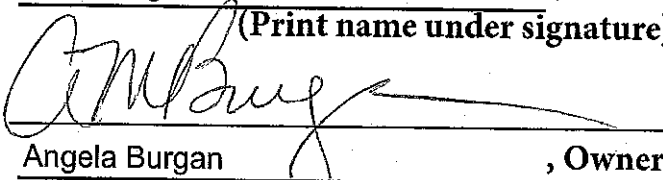
ALL OWNERS OF RECORD AND APPLICANT MUST SIGN APPLICATION. (ATTACH ADDITIONAL PAGES IF NECESSARY.)

Dates: 05/03/23



Mark Burgan, Owner
(Print name under signature)

Dates: 05/03/23



Angela Burgan, Owner
(Print name under signature)

Applicant Signature (if different from owner):

Dates: _____

_____, Applicant
(Print name under signature)

Dates: _____

_____, Applicant
(Print name under signature)

MUST BE SIGNED BY OWNER(S) AND/OR APPLICANT NOT ATTORNEY

APPLICATION SUPPLEMENT

Mark Burgan and Angela Burgan (collectively, the "Applicant") have made application to the Long Beach Township Land Use Board for bulk variances relative to development at the property designated as Lot 14 in Block 14.17 on the Tax Map of the Township of Long Beach, located at 18 E. Culver Avenue in the Beach Haven Crest Section of Long Beach Township. The Applicant is seeking to demolish the existing single-family dwelling at the property and construct a new single-family dwelling. The following variances are requested:

1. Under Section 205-55(C)(2) of the Zoning Ordinance, the minimum required lot area is 4,500 square feet. The existing and proposed lot area is 2,275 square feet, which is a preexisting nonconformity.
2. Under Sections 205-12(A) and 205-55(C)(4) of the Zoning Ordinance, a minimum distance of 15 feet is required between adjacent houses. The distance between the existing home and the adjacent dwelling to the west is 16.1 feet; 8.6 feet is proposed. The distance between the existing home and the adjacent dwelling to the east is 4.4 feet; 12.5 feet is proposed.
3. Under Section 205-55(C)(3) of the Zoning Ordinance, the minimum required front yard setback is 20 feet. Here, using the average existing front yard setbacks of the adjoining properties, the minimum required front yard setback is 19.5 feet. The existing front yard setback is -0.04 feet; 17 feet is proposed.
4. Under Section 205-55(C)(7) of the Zoning Ordinance, all buildings, including single-story accessory buildings, shall not cover more than 33.3% of the lot. The existing lot coverage is 42.8%; 35.1% is proposed.

The variances requested by the Applicant are the result of a hardship due to the area of the existing substandard lot, as well as the locations of the existing dwellings on the adjoining properties in that they prevent the Applicant from constructing a home with a 15-foot combined side yard as intended by the Zoning Ordinance. With the proposed development, the combined side yard setback will be improving. There will be no negative impact on the surrounding property owners or to the public good as a result of the proposed development.

Long Beach Township Land Use Board

AFFIDAVIT OF OWNERSHIP, CONSENT, AUTHORIZATION, and NON-COLLUSION

STATE OF :
COUNTY OF Ocean : ss.

I, Mark and Angela Burgan being duly sworn according to law, upon my/our oath depose and say:

1. I/we am/are the only owner(s) of property known as 18 E. Culver Ave., Long Beach Township, Ocean County, New Jersey known as :

Block 14.17 Lot 14
Block Lot
Block Lot

As shown on the Official Tax Maps of the Township of Long Beach.

2. I/we consent to the making of this application and the approval of the plans submitted herewith. I/we further agree to be bound by all representations and commitments made by myself/ourselves or my/our authorized agent.

3. There has been no collusion between me/us and any member of the Township of Long Beach Land Use Board or any officials of the Township of Long Beach with respect to said application.

4. I/we hereby authorize James Raban (Agent), to make application on my/our behalf. I further agree to be bound by all representations, promises and commitments made by my agent.

Dated: 5/3/23

Signature of Owner
Mark Burgan
Print Name above

Signature of Owner
Angela Burgan
Print name above

Sworn and Subscribed to before me this 3 day of May, 2023.

Denise Paula Henandez
Notary Public

DENISE LAWLOR-HAMOUDA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 5/18/2023



LONG BEACH TOWNSHIP LAND USE BOARD
CHECKLIST FOR INITIAL SUBMISSION

****INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED****

PLEASE READ

INSTRUCTIONS:

1. A completed, signed checklist must be received by the Land Use Board Secretary & Attorney prior to application being deemed complete.
2. All required documents must be submitted at least forty-five (45) days prior to the regularly scheduled Land Use Board Meeting at which consideration is sought.
3. All documents must be submitted at the same time - Incomplete submissions will NOT be accepted!
4. Applicant MUST deliver Completed Application and supporting documents in the following arrangement:

Kevin Quinlan, Esq.:

- 1 Copy of Complete Application
- 1 Copy Variance Plan, Site Plan, or Subdivision Map
- 1 Copy of Architectural Plans
- 1 Copy of Zoning Denial Letter (if applicable)
- 1 Copy of Color Photos
- 1 Copy of Tax Map with Property Block & Lot highlighted
- 1 Copy of Affidavit of Ownership, Consent, Authorization and Non-Collusion
- 1 Copy of this Checklist
- 1 Copy of Proposed Notice to Property Owners and for Publication
- Mailed to Kevin Quinlan 207 W. Main Street, Tuckerton, NJ 08087

Frank Little, P.E., P.P.:

- 1 Copy of Complete Application
- 1 Copy Variance Plan, Site Plan, or Subdivision Map
- 1 Copy of Architectural Plans
- 1 Copy of Zoning Denial Letter (if applicable)
- 1 Copy of Color Photos
- 1 Copy of Tax Map with Property Block & Lot highlighted
- 1 Copy of COMPLETED Technical Check List
- Mailed to Frank Little: Owen, Little & Associates Inc. 443 Atlantic City Boulevard, Beachwood, NJ 08722

Board Secretary: Jackie Fife 6805 Long Beach Boulevard, Brant Beach, NJ 08008:

1 ORIGINAL of each of the following:

- Application Variance Plan Site Plan Subdivision Plan Architectural Plan(s)
- Tax Map Color Photos 1-W-9 Zoning Denial Signed Checklist
- Technical Checklist Affidavit of Ownership, Consent, Authorization and Non-Collusion
- 1 Copy of Proposed Notice to Property Owners and for Publication
- Electronic copy PDF format of all the above emailed to jfife@longbeachtownship.com
- Check for Application Fee \$ 500.00 Check # 2947
- Check for Escrow Fee \$ 1,000.00 Check # 2949

Board Member Packets (COLLATED):

- 14 Copies of Complete Application including:
- 14 Copies Variance Plan, Site Plan, or Subdivision Map
- 14 Copies of Architectural Plans
- 14 Copies of Zoning Denial Letter (if applicable)
- 14 Copies of Color Photos
- 14 Copies of Tax Map with Property Block & Lot highlighted

Applicant Signature

James S. Raban,

Print Name

Attorney for Applicant

Date

5/9/23

Approved

Denied

(FOR LAND USE BOARD SECRETARY ONLY)

TOWNSHIP OF LONG BEACH
LAND USE BOARD
TECHNICAL CHECKLIST

KEY: X= REQUIRED P= PROVIDED W= WAIVER N/R= NOT REQUIRED or APPLICABLE

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
<p>WATER MAINS/UTILITY</p> Show existing structures and setbacks from existing and proposed property lines, indicating those to be modified or removed or to remain. Show setback of structures on adjacent properties.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Location of proposed buildings, finished grade, first floor and basement elevations, setbacks of all buildings from nearest lot lines, building height and other pertinent improvements.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Building coverage and lot coverage calculations.	X	X	X		X	X			(P) (W) (N/R)
Existing and proposed easements, rights-of-way and their purposes.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Existing and proposed manholes, sewer lines, stormwater management facilities, waterlines, fire hydrants and utility poles within 200 FT.			X	X	X	X	X	X	(P) (W) (N/R)
Plans and profiles of proposed utility layouts, such as sewers, storm drains, water, gas, communications and electric, showing feasible connections to existing or proposed utility systems as well as channel section details, pipe sizes, types and inverts, road crowns and slopes.					X	X	X	X	(P) (W) (N/R)
All monumentation as required as per the "Map Filing Law" including all monuments found, set or to be set.				X			X	X	(P) (W) (N/R)

TOWNSHIP OF LONG BEACH
LAND USE BOARD
TECHNICAL CHECKLIST

KEY: X= REQUIRED P= PROVIDED W= WAIVER N/R= NOT REQUIRED or APPLICABLE

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
Offstreet parking and loading spaces required and proposed, and location and dimensions of access drives, aisles and parking stalls		X	X		X	X			(P) (W) (N/R)
STREETS									
Location, names and widths of all existing and proposed streets, sidewalks and street widening within 200 FT of the site.			X	X	X	X	X	X	(P) (W) (N/R)
Plans, profiles and cross-sections of paved areas, curbs and sidewalks.			X	X	X	X	X	X	(P) (W) (N/R)
MISCELLANEOUS									
Exterior Lighting Plan, including the location, direction of illumination, amount of illumination expressed in horizontal foot candles, wattage and drawn details of all outdoor lighting standards and fixtures.			X		X	X	X	X	(P) (W) (N/R)
Landscaping and Screening Plan showing the location, type of tree or shrub and the location, type and amount of each type of ground cover.			X	X	X	X	X	X	(P) (W) (N/R)
Storm drainage calculations.					X		X		(P) (W) (N/R)
Stormwater management facilities shown on the grading plan showing all aspects of the stormwater system.			X		X	X	X	X	(P) (W) (N/R)

TOWNSHIP OF LONG BEACH
LAND USE BOARD
TECHNICAL CHECKLIST

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DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
Applications for new construction or additions to buildings: See Initial Checklist for number of copies to distribute of building plans showing elevations and floor areas (including dimensions) for all floors. "Multi-family units and commercial uses require sealed Architectural Plans;" Building elevation to be provided for the full height of the building from grade to roof peak. Plan scale shall be a minimum of 1/4" per foot. Building elevations shall be provided for all sides and shall be labeled North, South, East and West.	X	X							(P) (W) (N/R)
Location of all signs and drawn details showing the size, construction type, height and content of all signs.			X		X	X			(P) (W) (N/R)
Drawn details of the type of screening to be used for the refuse storage areas, outdoor equipment and bulk storage.			X		X	X			(P) (W) (N/R)

PUBLIC NOTICE

LONG BEACH TOWNSHIP

PLEASE TAKE NOTICE that Mark Burgan and Angela Burgan (collectively, the “Applicant have made application to the Long Beach Township Land Use Board for bulk variances relative to development at the property designated as Lot 14 in Block 14.17 on the Tax Map of the Township of Long Beach, located at 18 E. Culver Avenue in the Beach Haven Crest Section of Long Beach Township. The Applicant is seeking to demolish the existing single-family dwelling at the property and construct a new single-family dwelling. The following variances are requested:

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4. Under Section 205-55(C)(7) of the Zoning Ordinance, all buildings, including single-story accessory buildings, shall not cover more than 33.3% of the lot. The existing lot coverage is 42.8%; 35.1% is proposed.

Although the Applicant believes that no additional variances, waivers or exceptions are required, any additional variances, waivers or exceptions deemed necessary or appropriate by the Board will be requested at the public hearing.

This matter is on the Clerk's Docket and a hearing has been ordered for June 14, 2023 at 6:30 PM in the Administration Building, First Floor Court Room, 6805 Long Beach Boulevard, Brant Beach, NJ, at which time persons interested may appear personally or by agent or attorney with a properly authorized power of attorney. Please note that this is an in-person meeting only. There will be no virtual component.

Should the meeting format change, the Township website will be updated with necessary information up to and including the date of the meeting. You will not receive notice of a meeting format change. It is up to you to check the Township website or call the Township (609-361-6653) during normal business hours on the day of the hearing for any change from in person to virtual meeting.

Documents are available for inspection at the Land Use Board Office, 6805 Long Beach Boulevard, Brant Beach, New Jersey during normal business hours Monday through Thursday 9:00 a.m. to 3:00 p.m.

File #3570

James S. Raban
Attorney for the Applicant