

COMPLETENESS CHECKLIST FOR USE AND/OR BULK VARIANCES (Revised 5/13/13)

Section §802B. Completeness Checklist for Use Variance and Bulk Variance Request.

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

- | <u>C</u> | <u>N</u> | <u>N/A*</u> | <u>W*</u> | <u>ONLY FOLDED PLANS WILL BE ACCEPTED</u> |
|-------------------------------------|--------------------------|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Twenty-five (25) copies of completed and signed application form which must include the following: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Applicant's name, address, telephone number, facsimile number, and e-mail address (if applicable). <input checked="" type="checkbox"/> Property Owner's name, address, telephone number, facsimile number, and e-mail address (if applicable). <input checked="" type="checkbox"/> Applicant's interest in the property. <input checked="" type="checkbox"/> Name, address, telephone number, facsimile number, and e-mail address (if applicable) of the Applicant's attorney (if represented) as well as any and all other professional representative(s). <input checked="" type="checkbox"/> Street address of the property <input checked="" type="checkbox"/> Tax lot and block numbers of the property <input checked="" type="checkbox"/> Zoning District in which the property is located. <input checked="" type="checkbox"/> Description of the property <input checked="" type="checkbox"/> Description of the proposed development. <input checked="" type="checkbox"/> Type of application <input checked="" type="checkbox"/> Provide identification of subject property/properties' Special Flood Hazard Area Zone <input checked="" type="checkbox"/> Executed copy of "Authorization & Consent Form" Part "C" <input type="checkbox"/> Executed copy of "Certificate of Ownership" Part "D", if applicable <input type="checkbox"/> Executed copy of "Certificate of Corporation/Partnership", if applicable <input checked="" type="checkbox"/> Applicant/Owner to provide verification of taxes paid (this will be further verified by the Administrative Officer). <input checked="" type="checkbox"/> Executed copy of "Escrow Agreement" Part "E" |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Twenty-five (25) copies of the property deed(s). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Twenty-five (25) copies of the Zoning Permit Denial [not required for subdivisions] |
| | | | <input type="checkbox"/> | 4. Required Plans folded, no larger than 30"x42": |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | a. Twenty-five (25) copies of current signed & sealed survey, prepared by a New Jersey Licensed Professional Land Surveyor. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | b. Five (5) copies with initial submission and each subsequent submission for completeness review. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | c. Once the application is deemed complete, twenty (20) additional full-sized paper sets of the plans plus one (1) reduced-size paper set of the plans no larger than 11"x17", and one (1) CD containing the plans in .pdf format must be submitted to the Board Office for distribution. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Six (6) copies of Tree Removal Application package in accordance with Section §525 (if applicable). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Community Impact Statement (for Use Variance only) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. Application Fee \$ <u>100-</u> Escrow Deposit \$ <u>250-</u> |

In accordance with fee schedule.

C = Complete N = Incomplete N/A = Not Applicable

* Any request for a "WAIVER" must include a written explanation for the request.

Application for Use and/or Bulk Variances

Type of Variance Requested:

- Bulk Variance [front, side/rear setback, other] Specify _____

- Bulk Variance [Lot Coverage] _____
- Use Variance [proposal not permitted in zone] _____
- Appeal/Interpretation of Decision _____
- **Other** Specify Seeking relief from Ordinance 13-11 Section 419, J for building materials that are not floor
damage resistant and are below Neptune's DFE of 12 feet but above Advisory BFE of 10 feet.

1. Property Address: 102 Highland Avenue Neptune NJ 07753
2. Block 5412 Lot 5
3. Property is located in R-2 Zoning District according to the Neptune Twp. Land Ordinance.
4. Name of applicant: Linda Hemmer and Donna Fromhold
102 Highland Avenue Neptune NJ 07753 | 106 Wilford Rd Neptune, NJ 07753
[Redacted] Fax # [Redacted]
- E-mail address: [Redacted]
5. Name of owner: Beverly J. Hemmer
Mailing address: 102 Highland Avenue Neptune, NJ 07753
Phone # [Redacted] Fax # _____ Cell # _____
E-mail address: _____
6. Name of contact person: Linda Hemmer
Mailing address: (Same as above)
Phone # _____ Fax # _____ Cell # _____
E-mail address: _____
7. Interest of applicant, if other than owner: owner's two daughters

Detailed Information:

- Existing use of property: Single family dwelling
- Proposed use of property: Single family dwelling
- Special Flood Hazard Area: zone AE 10

Principal Use:

	Required and/or Permitted	Existing	Proposed
Lot Size		N/A	
Lot Coverage			
Building Coverage			
Building Height			
Front Setback			
Rear Setback			
Side Setback			
Combined Side Setback			

(If multiple lots and/or buildings, please attach additional detailed listing)

Accessory: (If Applicable)

	Permitted	Existing	Proposed
Lot Size		N/A	
Lot Coverage			
Building Coverage			
Building Height			
Front Setback			
Rear Setback			
Side Setback			
Combined Side Setback			

(If multiple lots and/or buildings, please attach additional detailed listing)

8. Has there been any previous applications involving these premises Yes No

If so when _____

Result of decision _____

9. Justification/Reason(s) for variance(s) requested [be as specific as possible attach additional sheets as necessary]

Please see attached.

10. If a Zoning denial has been received as part of this application, please attach.

The required submission for all applications to be complete is twenty-five (25) copies of completed application form inclusive of any supporting information; and twenty-five (25) copies and one (1) CD* of survey and/or plan(s) with one (1) additional copy of survey and/or plan(s) on 11" x 17" sheet(s).

* See Section 802B. Completeness Checklist for Use Variance and Bulk Variance Request for details on submission requirements.

AFFIDAVIT OF APPLICATION

State of New Jersey
County of Monmouth

Linda Hemmer & Donna Fromhold being of full age, being duly sworn according to
(Insert Applicant's Name)

Law, on oath depose and says that all the above statements are true.

[Redacted Signature]

(Original Signature of Applicant to be Notarized)

Linda Hemmer

Donna L. Fromhold

(Print Name of Applicant)

Sworn and subscribed before me this

3rd day of JUNE, 2020

VITO D GDALETA
Notary Public, State of New Jersey
My Commission Expires
December 14, 2023

[NOTARY SEAL]

[Handwritten Signature]

Signature of Notary Public

Justification for variance requested:

Seeking relief from Ordinance 13-11 Section 419. J, which is inclusive of the standards set forth more fully under Chapter XIX § 19-5.1, §19-5.2, §19-5.3 and §19-5.4 of the General Ordinances of the Township of Neptune entitled "Flood Damage Prevention."

Background:

Our mother's home at 102 Highland Avenue, Shark River Hills was substantially damaged in Superstorm Sandy and had to be elevated.

The builder did not build the home according to the township-approved architect and engineering plans. The Construction Code Official issued Notices of Violation and Orders of Penalty. The Township prosecuted the builder over the course of a year in Neptune Township Municipal Court. The builder was found guilty of the violations and fined \$122,600.00.

The builder then declared bankruptcy in September 2019 and left our mom with the violations and a \$150,000.00 lien on her house by the state RREM grant program for not being able to obtain a final certificate of occupancy and close out of the program.

Our mom, Beverly Hemmer, is an 82 year-old widow who was a victim of a natural disaster and then defrauded by an unscrupulous contractor. It is through no fault of her own that she has incurred this tremendous burden. We seek relief from Ordinance 13-11 Section 419.J so that the Construction Code Official will release the final certificate of occupancy so she can then close out of the state RREM grant program and have the lien lifted off of her home.

Facts:

Specific to our case, the ordinance sets forth that the lowest floor with attendant utilities be elevated at or above the advisory base flood elevation or advisory two-tenths (0.2%) percent annual chance flood elevation, whichever is more restrictive. (§ 19-5.2(a)1)

For our location, the advisory base flood elevation (ABFE) is 10 feet and the advisory 0.2%, also known as the design flood elevation (DFE) is 12 feet.

The final elevation certificate shows the finished first floor is compliant at elevation of 12.5 feet. Below the finished first floor the builder put building materials in the crawlspace that are not flood damage resistant (floor joists, insulation, wiring, and duct work). (§ 19-5.1(b)1 and § 19-5.1(c)4)

These building materials are below Neptune's DFE of 12 feet by approximately 1.5 feet, but are in fact elevated above the advisory BFE of 10 feet.

We have investigated the option of re-lifting the home or waterproofing the building materials in the crawlspace, however, due to the astronomical cost, the option is unjustified.

OWNER(S)' AFFIDAVIT OF AUTHORIZATION AND CONSENT
STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER

[Original signatures only – copies will not be accepted]

IN THE MATTER BEFORE THE Zoning Board of Adjustment
(Insert Planning Board or Zoning Board of Adjustment)

IN THE TOWNSHIP OF NEPTUNE, STATE OF NEW JERSEY, COUNTY OF MONMOUTH.

I/WE, Baboly J. Hemmer, WITH MAILING ADDRESS OF
(Insert Property Owner's Name)

102 Highland Avenue Neptune NJ 07753 OF FULL AGE BEING DULY
(Insert Property Owner's Mailing Address)

SWORN ACCORDING TO LAW AND OATH DEPOSES AND SAYS:

"I/WE ARE THE OWNER(S) OF THE SUBJECT PROPERTY IN CONNECTION WITH
THIS APPLICATION DESIGNATED AS BLOCK(S) 5412 LOT(S) 5

ALSO KNOWN AS 102 Highland Avenue Neptune NJ 07753.
(Insert physical address of the subject property)

I/WE AUTHORIZE Linda Hemmer & Donna Fromhold
(Insert name of Owner(s)' representative appearing before the Board)

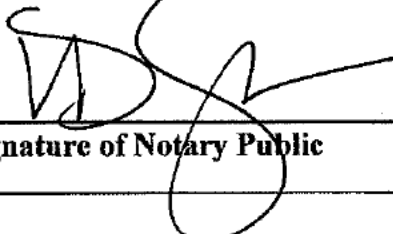
TO APPEAL TO THE PLANNING/ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF
NEPTUNE FOR SUCH RELIEF AS MAY BE REQUIRED RELATING TO THE PROPERTY
LISTED ABOVE, CONSENT TO SUCH APPEAL AND APPLICATION, AND AGREE THAT ANY
DECISION OF THE PLANNING/ZONING BOARD OF ADJUSTMENT ON SUCH APPEAL
SHALL BE BINDING UPON ME/US AS IF SAID APPEAL HAS BEEN BROUGHT AND
PROSECUTED DIRECTLY BY ME/US AS THE OWNER(S)

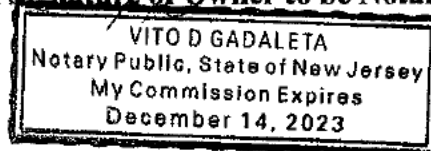

(Original Signature of Owner to be Notarized)


(Original Signature of Owner to be Notarized)

Sworn and subscribed before me this

3RD day of JUNE, 2020


Signature of Notary Public



[NOTARY SEAL]

SITE VISIT AUTHORIZATION OF PROPERTY OWNER

I hereby authorize any member of the Township of Neptune Planning Board/Zoning Board of Adjustment, any of said of Board's professionals or reviewing agencies of the Board to enter upon the property which is the subject matter of this application, during daylight hours, for limited purpose of viewing same to report and comment to the Board as to the pending application.

Date: JUNE 3, 2020



Signature of Property Owner

STATEMENT FROM TAX COLLECTOR

Block _____ Lot _____

Property Location _____

Status of municipal taxes _____

Status of assessments for local improvements _____

Date: _____

Authorized Signature of Tax Collector

Escrow Agreement

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which will include engineering, legal, planning, architectural, and any other expenses incurred in connection with the review of this application before the Land Use Board.

The amount of the Escrow Deposit will be determined by the Neptune Township Land Development Ordinance, section 1000 Application and Escrow Fee, Table 10.02 Escrow Fees.

It is the policy of Neptune Township that once an Escrow Account falls below 24% of the original deposit amount, the account must be replenished to its original amount. The only exception would be when the application is nearing completion; applicant will be notified of any anticipated charges and the amount of the deposit required.

Payments shall be due within fifteen [15] days of receipt of the request for additional Escrow Funds. If payment is not received within that time, applicant will be considered to be in default, and such default may jeopardize appearance before the Board of hold up any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification by the board's professionals who reviewed the application.

By signature below, I/we acknowledge receipt of Neptune Township's Section 1000, Application and Escrow Fees and agree to all conditions listed.

Name of Applicant: Linda Hemmer and Donna Fromhold
[please print]

Property Address: 102 Highland Ave Neptune NJ 07753 Block 5412 Lot 5

Applicant's Name: Linda Hemmer [Redacted]
[Print Name] [Signature of Applicant]

Owner's Name: Beverly J. Hemmer [Redacted]
[Print Name] [Signature of Owner]

Date: 6/3/2020