

Narrative:

The attached documents present a fair timeline of the events in this matter. The applicants Tory and Rob Ruffus own the property at 300 Lakewood Road. They purchased the property on February 9, 2018, see the Deed, and obtained a Survey of Property dated April 6, 2018, prepared by David J. Von Steenburg, P.L.S. in conjunction with that purchase. The survey indicates that there is a block wall on the lot line along Lorraine Drive. After they took ownership of the property, the block wall along Lorraine Drive failed.

In contemplation of making repairs, the applicants obtained a Partial Topographical Survey prepared by Eric V. Wilde, P.L.S., dated September 22, 2021. Upon deciding to reconstruct the wall, the applicants hired Florian Rucaj of Army Group to do the work. Mr. Rucaj employed Omar Elsherif, Ph.D., P.E., of Structure Tech Engineering, P.C., to prepare the plans for the new wall. The plans consist of two sheets dated August 3, 2022, which are also included herewith. In response to a municipal court matter that was filed and is pending, the applicants had an As-Built Survey prepared by Eric V. Wilde, P.L.S. dated June 7, 2023. It is clear from the As-Built that the location of the wall encroaches into the Township right-of-way where the plans prepared by Mr. Elsherif did not.

The applicants made an application to the Zoning Officer seeking a belated zoning permit on March 13, 2024, which was denied. In contemplation of making a second application for a zoning permit, the applicants had the attached Topographic Survey prepared which is dated April 17, 2024 and also prepared by Mr. Wilde. The applicants have provided full-size copies of the survey along with the plans prepared by Mr. Elsherif.

Tory Ruffus is an employee of Colliers Engineering and as such, has been using their services in this matter.

The obligation to apply for permits was the sole responsibility of the Builder. The Contract is clear in this regard and Mr. Rucaj has said as much in Court.

Photos of the property are attached hereto.

The applicants seek variance relief to allow the wall to remain in the nonconforming location as it now exists.