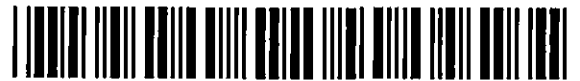


BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10603520

Baywood Marina-1/2/91
Re-Organization-1/2/91
Mobil Oil Corp-1/23/91
Amato, Kelly-2/16/91
Buckman-2/27/91
Lake Riviera Estates-2/27/91
Paul & Grace Haucke-2/27/91
Bay Stream Corp-2/27/91-extension
Harry Jones-2/27/91-extension
Charles Ferguson-3/20/91
Frank Cannella-3/20/91
Jersey Central Power & Light-3/20/91
Frank Capone-5/1/91
Vernon Boyce-5/1/91
Drum Pt. Assoc-5/15/91
Earl & Karen Lo Ricco-5/15/91
Stephen Keller-5/15/91
Laurel Manor Associates-5/15/91
Calabrese/Rubell-6/5/91
Richard Hubschman-6/5/91
Leroy Derrick-6/11/91
James Kellogg-6/19/91
Old Hooper Land Co.-6/19/91
Carolyn Mysel-6/19/91
Kevin Ward-6/19/91
Rt 35 South Holding-7/17/91
Joseph Custode-8/7/91
Frank Docherty-8/7/91
Robert Jarvic-8/7/91
Pascerba-8/7/91
Robert Klaus-8/7/91
Newman (Carla Ford)-8/7/91
W & F Developers-8/21/91
Ocean Sun, Inc.-8/21/91
Ocean Federal-9/4/91
Robert Baldini-9/4/91
William Nittoso-9/4/91
Raymond & Josephine Reilly-9/4/91

Resolutions-1991
Contracts

Doris Fischer - 9/4/91

Joseph Lucci - 10/2/91

Bay Stream Corp. - 10/16/91

N.T. Bell Telephone - 10/16/91

Agency Rent A Car - 10/16/91

Anthony Zangari - 10/16/91

Johnson & Digilio - 10/16/91

David & Kathleen Thomsen - 10/16/91

Barry & Debra Simmons - 10/16/91

Stephen & Lorraine Barry - 10/16/91

Robert & Victoria Padlo - 10/16/91

James Buchanan - 11/4/91

James Buchanan - 11/4/91

James Patterson - 11/13/91

Collier - 12/4/91

Gary DeGrand

Oxford

ESSELTE

Interpretation of Land Use Ordinance - 12/4/91

Review of Ordinance - 12/4/91

William Johnson - 12/18/91

Jessica, A. Inc. - 12/18/91

Lana Johnson & John D. Gilio - 10/16/91

RESOLUTION OF DIRECTION
JESSICA II, INC.
BLOCK: 547
LOTS: 24 AND 29
ZONE: B-2
BRICK BOULEVARD

RESOLUTION DIRECTING TOWNSHIP OFFICER TO ISSUE
A CERTIFICATE CERTIFYING THE USE OR STRUCTURE EXISTED
BEFORE THE ADOPTION OF THE ORDINANCE WHICH RENDERED SAID USE -
OR STRUCTURE NONCONFORMING PURSUANT TO N.J.S.A 40:55D-68
BOARD OF ADJUSTMENT, TOWNSHIP OF BRICK

Case #BA-1557

December 18, 1991

WHEREAS, an application has been made by Jessica II, Inc./William Weissbein, President for the granting of a Resolution of Direction pursuant to N.J.S.A. 40:55D-68 for Block 547, Lot 24 and 29 as set forth on the Tax Maps of the Township of Brick; and

WHEREAS, the applicant is requesting a directive from the Brick Township Board of Adjustment pursuant to N.J.S.A. 40:55D-68; and

WHEREAS, the Brick Township Board of Adjustment has considered the application for the Directive pursuant to N.J.S.A. 40:55D-68, the Board of Adjustment does hereby make the following findings of fact:

A. The applicant has a proprietary interest in the property.

File
Jessica II
Policy
Shea
Owen
Building
Zoning

December 18, 1991

B. The request proposed by the applicant is pursuant to the Municipal Land Use and Development Law, specifically N.J.S.A. 40:55D-68.

C. The applicant has requested approval in accordance with the Ordinances of the Township of Brick and the Land Use and Development Regulations of the State of New Jersey.

D. The tract in question is located at 479 Brick Boulevard and is more particularly described as Block 547, Lots 24 and 29 on the Tax Map of the Township of Brick.

E. The applicant is a corporation entitled "Jessica II, Inc." a New Jersey Corporation and same is represented by Kenneth Traum, Esq. Appearing on behalf of the applicant was a Mr. William Weissbein, President of said corporation.

F. Mr. Weissbein testified that he has held title as a partner or an individual to the property in question since 1975. Mr. Weissbein indicated that prior to 1975, when he inquired the property, the property in question was used to manufacture iron railings. When the property was purchased by him in 1975, the property was used for an auto-repair business which is still on the premises today.

G. The applicant further testified that it had received various previous resolutions with regard to the property in question, specifically, Resolution R-23 dated February 11, 1975,

an a Resolution dated October 29, 1975 and a Resolution dated November 25, 1975. Said Resolutions are incorporated herein by reference.

H. The applicant further testified that with regard to any conditions which were included in these Resolutions, said conditions had been fully complied with.

I. The applicant is before the Board requesting that the Board authorize its Zoning Official to issue a Certificate certifying that the use or structure existing on the block and lot in question, existed before the adoption of an Ordinance which rendered the use and/or structure nonconforming. It should be noted that the property is currently located in a B-2 Zone, which is a General Business Zone and the business is an auto-repair business. This auto-repair business is a nonconforming use and structure, however, same existed before the adoption of the zoning ordinance with regard to the B-2 General Business Zone which took place in 1975. The adoption of this zoning ordinance thereby rendered the use and structure nonconforming.

J. The applicant also submitted, along with its application, two (2) letters, one dated September 9, 1991 and one dated November 9, 1991 from Sean Kinnevy, Zoning Officer of Brick Township, indicating that the use and structure existed before the adoption of the Zoning Ordinance of 1979 and that same rendered the use and structure nonconforming. Said letters are incorporated herein by reference.

December 18, 1991

K. Members of the Brick Township Board of Adjustment took into consideration the representations made by the applicant, as well as input from their Professional Staff and made factual findings indicating that the property was purchased in 1975 and received approval from the Planning Board for an auto-repair business, which continues to this day.

L. They also indicated that the change in the ordinance came about in 1979 which was after the property was purchased and the use was continuing by the applicant.

M. The Board indicated that there were no objectors present to the relief being requested by the applicant and members of the Board were of the opinion that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming.

N. The Board members then directed that the Zoning Officer issue a Certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming pursuant to N.J.S.A. 40:55D-68.

NOW, THEREFORE, be it Resolved by the Board of Adjustment of the Township of Brick that the Board of Adjustment does hereby grant and approve the Resolution of Direction for Block 547, Lots 24 and 29 as set forth on the Tax maps of the Township of Brick.

RCS/ag
12/4/91

ROLL CALL VOTE

Moved by: S. Szucs

Seconded by: R. Graham

Affirmative Vote: B. Kelly, A. Marchetti, S. Szucs, C. Patetta,
R. Graham, D. Jayne, J. Palmisano

Negative Vote:

Abstaining:

Absent: M. Powner, T. Steinbacher

CERTIFICATION

I, CHRISTINE PAPA, Clerk, Board of Adjustment of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify that the foregoing Resolution was duly passed by the said Board of Adjustment of the Township of Brick at a meeting held on this 18th day of December , 1991.


CHRISTINE PAPA, Clerk
Brick Township Board of Adjustment