



## BOROUGH OF OAKLAND, NEW JERSEY

TO: Board of Adjustment

FROM: Glen Turi

This is to advise you that on March 8, 2021 a denial was issued to the resident Peter N Abdelessih and Marina M Dawoud for the location 84 Manito Avenue, Oakland, NJ 07436

Block: 5101 Lot: 21

Zoning District: RA-3 For: Construction of a 6' foot

For the following reasons:

- 1) Side Yard: 6 foot fence proposed, 4 ft. minimum required

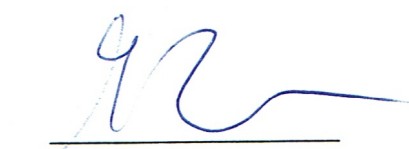
The Ordinances pertaining to this application are:

Chapter 59

Attachment 47

Fee: \$50.00 Paid by: #343 LOD: #Z-0308001

An appeal to the Board of Adjustment of the determination must be made within twenty (20) days of the date of this determination.

  
\_\_\_\_\_  
Glen Turi  
Zoning Official

**BOROUGH OF OAKLAND  
BERGEN COUNTY, NEW JERSEY**

Number \_\_\_\_\_ Hearing Date \_\_\_\_\_

Disposition \_\_\_\_\_ Site Inspection \_\_\_\_\_

Name

Address

Telephone

Applicant Peter Abdelmessih 201-473-1800 or 551-655-1477

84 Manito Ave, Oakland, NJ, 07436

Owner Peter Abdelmessih & Marina Dawoud

Tenant/Leasee N/A

Agent for Owner N/A

Property Location 84 Manito Ave Block 5101 Lot 21

**APPLICATION FOR APPEAL FROM ADMINISTRATIVE DECISION  
OR VARIANCE FROM THE REQUIREMENTS OF THE ZONING  
ORDINANCE**

**Check nature of the application:**

- ☐ Appeal interpretation of Building Inspector. (Type A)
- ☐ Bulk variance, requesting relief from dimensional zoning code requirement (Type C).
- ☒ Use variance from zoning code permitted uses. (Type D)

**To the Board of Zoning Adjustment:**

This appeal is from the decision rendered by the Building Inspector dated 08 March  
20<sup>21</sup>. The Board acts only on appeal from an Administrative decision.

**Variation Requested**

An appeal is hereby made for a variance from the terms of sections and paragraphs  
numbered chapter 59, attachment 47 of the Zoning ordinance so as to permit (in accordance with  
the attached plans): see attachments in this document.

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## Reasons for variation

The law requires that certain conditions must be established before a variance can be granted.

**Note:** The Board of Adjustment is required to make a written finding of facts from the showing applicant makes that the three enumerated conditions exist and, in addition, must find that the granting of such variance will not be contrary to the objectives of the Zoning Plan.

(Explain in detail wherein your case conforms to the following three requirements. Not required for administrative appeals applications)

1. That the strict application of the provisions of the Zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with its general purpose and intent, or where the benefit outweighs the detriment.

The strict application of the provisions of the Zoning ordinances do not align with this existing properties "backyard" safety measures. While the zoning ordinances account for the safety precautions of most properties, our property is an outlier as it's "backyard" is open to oncoming traffic in the busy intersection at Manito and Monhegan. Our decision to file this variance is to safeguard our toddler while playing in the yard and prevent unnecessary detrimental motor-vehicle accidents.

2. That there are exceptional circumstances or conditions applicable to the property involved, its intended use or its development that do not generally apply to other property in the same zone and /or neighborhood.

The exceptional circumstances applicable to this property is it's openness to oncoming traffic at a busy intersection. We purchased this beautiful property in this town to enjoy our home and our lot, to make memories in our first home as much as everyone in our neighborhood has with their children. However, a 4ft does not comply with my family's safety concerns and especially with toddlers who are ever-so curious and are entertained by moving objects. A 6ft fence would address my family's safety concerns in preventing detrimental accidents and/or tarnishing the reputation of this town's safety ethics.

3. That the granting of this variance will not be materially detrimental to the public welfare or injurious to the other property or improvements in that zone and / or neighborhood.

The proposed privacy fence will not be in the line of sight of traffic and will not be detrimental to the public welfare or injurious to the other properties. Quite the contrary, the privacy fence will offer protection and security to my family and offer a more secure environment, as our back door is easily accessed from this open area. With the rise in recent car break in and safety concerns, our property was one that was impacted by thieves attempting to breach our vehicles in our lot which is feet away from an easily accessed back door.

Description of proposed structure, property or use:

(If answers to any of the questions below is none or not applicable, indicate "N/A")

1. Block number 5101 Lot number 21 Zoning district RA-3
2. Street Address 84 Manito Ave, Oakland, NJ, 07436
3. Located between corner of Monhegan and Manito and parallel to Oneida and Pawnee (give street names)
4. Has present or previous owner or applicant held title to or held any interest in Adjoining property at any time? Yes        No X If yes, explain nature of interest. N/A
5. Lot length & width: 123.42 x 75.32 x 130.48 x 84.05 Interior of corner lot? 0.298 acre
6. Number of Streets the lot has frontage on: 2 Lot square foot area 13002.00
7. Building size: (length & width) ~26 x ~48
8. Height of building: (stories & feet) 2 story single family home bi-level dwelling
9. Percentage of lot occupied by building:  
Now: 9.6 % - With proposed addition n/a %
10. Setback from property lines:

	Front	Rear	Right side	Left side
a. Existing: (ft)	<u>33.57</u>	<u>91.2</u>	<u>20.43</u>	<u>26.97</u>
b. Proposed:	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
11. Has there been any previous appeal involving these premises?  
Yes        No X
12. Premises presently or last occupied as single family dwelling
13. Has premises been the subject of any Planning Board action?  
Yes        No X  
If yes, attach a copy of Planning Board resolution to this application.
14. Date present owner became owner of property. May 25, 2017



STATE OF NEW JERSEY }  
COUNTY OF BERGEN } SS:

Sworn to and subscribed  
Before me this 11 day  
Of March, 2021.

*Peter A.*

STATE OF NEW JERSEY }  
COUNTY OF BERGEN } SS:

Sworn to and subscribed  
Before me this 11 day  
Of March 20 21.

*Peter A.*

Dated: \_\_\_\_\_ n/a

n/a

(owner to sign here)

### ZONING TABLE

*This MUST be completely filled out in order for your application to be deemed complete*  
 ZONE OF SUBJECT PROPERTY: RA-3

	REQUIRED	EXISTING	PROPOSED
Lot Area	<u>13002.00</u> sf min	<u>13002.00</u> sf	<u>13002.00</u> sf
Lot Width	<u>n/a</u> ft min	<u>100.04</u> ft	<u>n/a</u> ft
Lot Depth	<u>n/a</u> ft min	<u>150.77</u> ft	<u>n/a</u> ft
Building Coverage* (calculated: total building footprint square footage divided by lot area x 100%)	<u>n/a</u> % max	<u>9.5</u> %	<u>n/a</u> %
Impervious Coverage** (calculated: total impervious footprint square footage divided by lot area x 100%)	<u>n/a</u> % max	<u>18.38</u> %	<u>n/a</u> %
Front Setback	<u>n/a</u> ft min	<u>33.57</u> ft	<u>n/a</u> ft
Side Setback	<u>n/a</u> ft min	<u>26.97</u> ft (Left) <u>20.43</u> ft (Right)	<u>n/a</u> ft (Left) <u>n/a</u> ft (Right)
Rear Setback	<u>n/a</u> ft min	<u>91.2</u> ft	<u>n/a</u> ft
Building Height	<u>n/a</u> ft max <u>n/a</u> stories max	<u>n/a</u> ft <u>2</u> stories	<u>n/a</u> ft <u>n/a</u> stories

\*Building Coverage: that percentage of a lot covered by the roof(s) of all principal and accessory building(s), including roofed over porches and similar extensions of a building such as roofed decks.

\*\*Impervious Surfaces: surfaces covered by roofs, pavement, walks, patios, and other materials so that underlying soils are highly resistant to infiltration of water. This includes all buildings, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.



BOROUGH OF OAKLAND  
1 MUNICIPAL PLAZA OAKLAND, NEW JERSEY 07436

A CURRENT SURVEY AND CHECK MUST BE SUBMITTED WITH APPLICATION

PLEASE PRINT CLEARLY

1. SITE ADDRESS: 84 Manito Ave, Oakland NJ, 07436 BLOCK: 5101 LOT: 21 QUAL:     

2. Applicant's Name: Peter Abdelmessih Tel. No.: 551 655 1477

Address: 84 Manito Ave, Oakland NJ, 07436

3. Property Owner's Name: same as applicant Tel. No.: same as applicant

Address: Same as applicant

4. Is a pool located on the property? Yes ☐ No ☒ Fence ☐ no fence Height:     

Driveway ☐: Repaving ☐ or Expansion ☐ AC Unit ☐ Generator ☐ Shed ☐ Deck ☐

New Construction ☒ Addition ☐ New Pool ☐ Patio ☐ Retaining Wall ☐ Maximum Height: new vinyl  
6ft fence addition

5. Has the subject premises been the subject of prior application to the Zoning Board of Adjustment or Planning Board to the applicant's knowledge. Yes ☐ No ☒ If Yes, state date:     

Retaining wall 4 ft or greater in height,: ZONING, ENGINEERING and BUILDING permits required.  
Sheds: UNDER 200 sq ft- Zoning permit only. Greater that 200 sq ft- Zoning & Building permit required.

ALL APPLICATIONS MUST BE SIGNED:

Applicant Signature Peter Abdelmessih Print Name (Applicant) Peter Abdelmessih 01-MAR-2021

Property Owner Signature or Designated Agent \_\_\_\_\_ Print Name (Owner) \_\_\_\_\_

OFFICE USE ONLY:

Based on the information submitted and the requirements of the Borough Zoning Ordinance, your application for a Zoning Permit is hereby:

APPROVED ☐ \_\_\_\_\_ DENIED ☐ DATE \_\_\_\_\_ CHECK # \_\_\_\_\_

If approved, valid for 1 year from date of approval

Comments on Decision:

Signature of Zoning Officer

Date

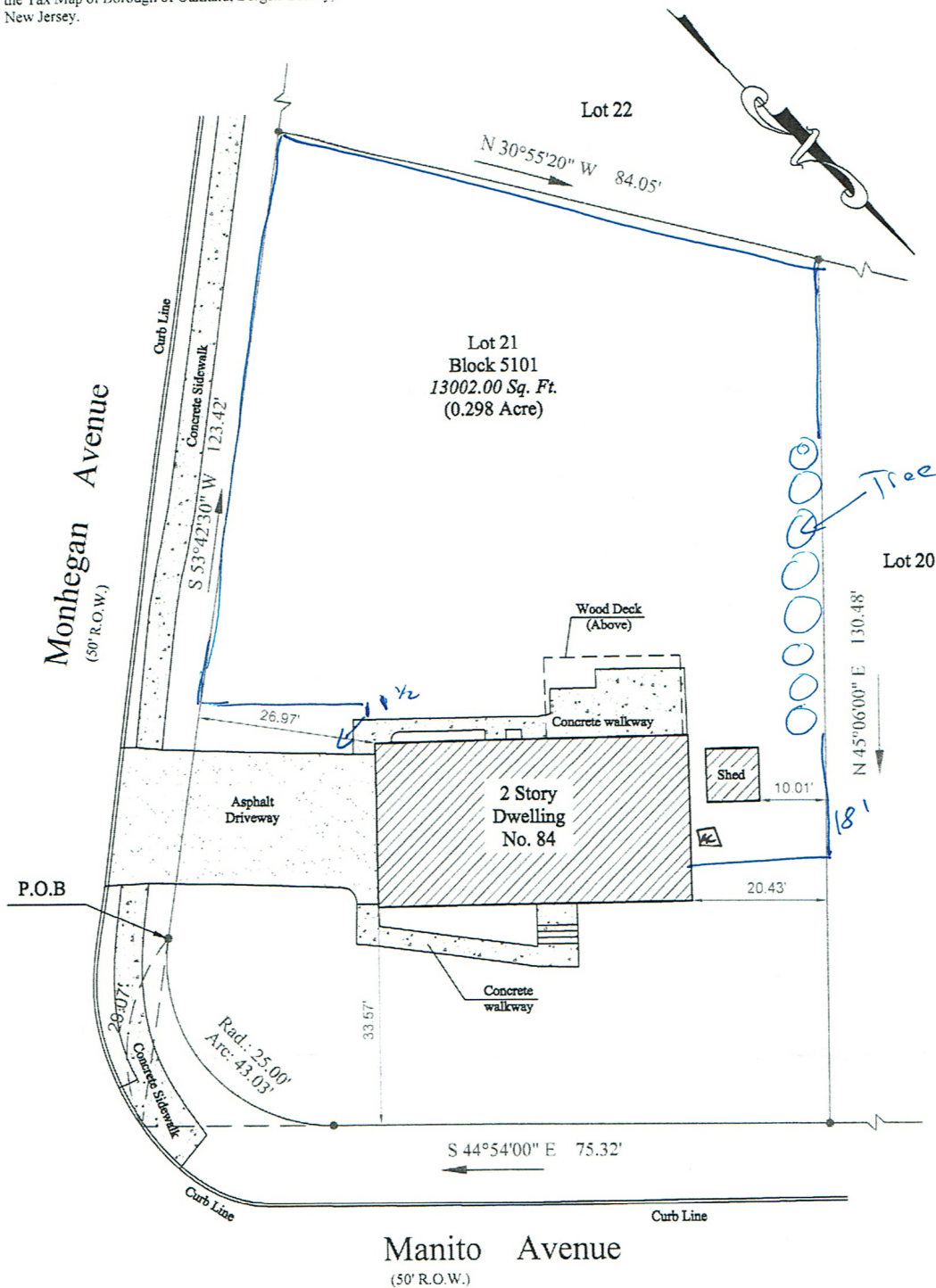


# References

Deed: Book 7625 Page 143

Tax Map: Being also known as Lot 21 in Block 5101 on the Tax Map of Borough of Oakland, Bergen County, New Jersey.

Filed Map: BEING parts of Lots Nos. 53, 54 and 55 in Block 3526 as shown on a map entitled "Ramapo Mountain Lakes, Section No. 3" which map is filed in the Bergen County Clerk's office as Map #3387



## Notes:

If this document does not contain a raised impression seal of the professional, it is not an authorized original document and may be altered.

A written waiver & direction not to set corner markers has been obtained from the ultimate user pursuant to N.J.A.C. 13:40-5.2

## Certified to:

**PETER N. ABDELMESSIH and MARINA M. DAWOUD**

Weichert Financial Services, its successors and/or assigns as their interests may appear

Old Republic National Title Insurance Company

Providence Abstract, LLC

Pasricha & Patel, LLC

<b>FORMOSA ENGINEERING INC.</b> 168 U.S. Route 1 EDISON, NJ 08817 TEL: (732) 632 8087 FAX: (732) 632 8872 E-mail: ayeformosaeng@aol.com	
<b>DRAWN</b> RAY	<b>PLAN OF SURVEY</b> 84 Manito Avenue Lot 21, Block 5101 Borough of Oakland BERGEN COUNTY, NEW JERSEY
<b>APP.</b> A. WU	<b>DATE</b> 05/25/2017
<b>SCALE</b> 1" = 20'	<b>PROJ. NO.</b> 18417
ANDREW K. WU P.E. AND P.L.S. PROFESSIONAL ENGINEER AND PROFESSIONAL LAND SURVEYOR NEW JERSEY LICENSE NO. GB34581	



Proposal #

16843

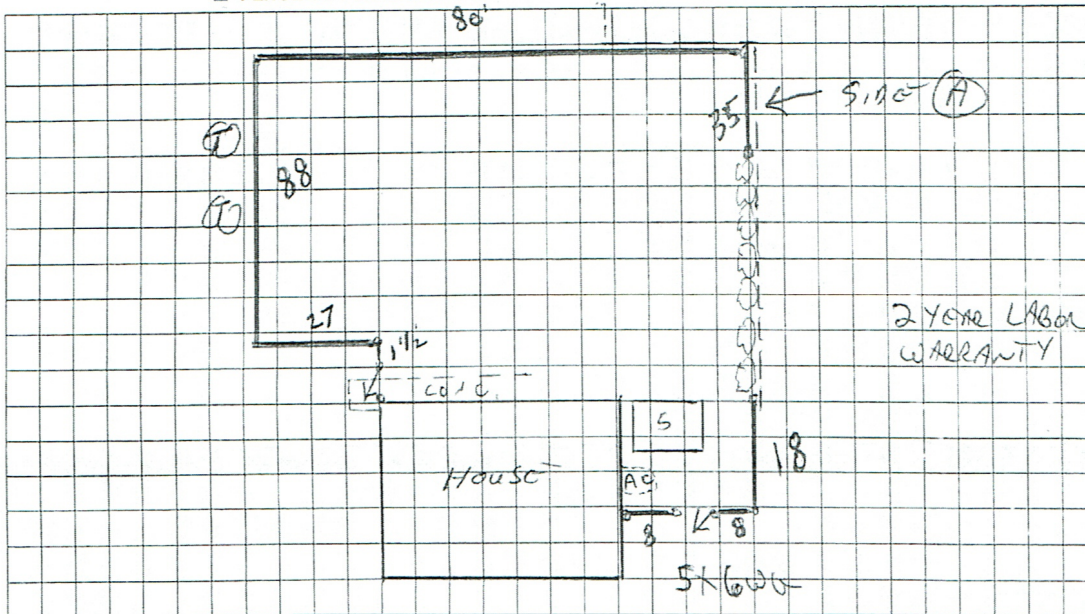


Invoice #

"A REPUTATION ANCHORED ON HONESTY, INTEGRITY AND FINE CRAFTSMANSHIP."

115 Patterson Street  
Hillsdale, NJ 07642NJ License #13VH00674300  
Rockland County, NY License #H-18162-12-00-00Office: (201) 722-0789  
Fax: (201) 722-2549

Name: <u>PETER DAWOUD</u>		Date: <u>2/24/21</u>
Job Site Address: <u>84 MANITO AVE</u> <u>OAKLAND NJ</u>		Billing Address: <u>DAWOUD.MAN@GMAIL.COM</u>
Phone: <u>201-423-1800</u>	Cell Phone:	Email: <u>PETERA927@GMAIL.COM</u>
<input checked="" type="checkbox"/> Supply	<input checked="" type="checkbox"/> Installation	<input type="checkbox"/> Repair
		<input type="checkbox"/> Delivery
Qty	Height	Color
		<u>LAKELAND</u>
<u>34</u>	<u>6</u>	<u>WHITE</u>
<u>40</u>	<u>9</u>	<u>"</u>
<u>1</u>		<u>WALK GATE 3 1/2 X 6</u>
<u>1</u>		<u>WALK GATE 5 X 6</u>
		<u>2 WALK KEY</u>
		<u>LATCHES</u>
<u>ALL POST CEMENTED IN GROUND</u>		

☒ FENCE TO FOLLOW GROUND
 ☐ STRAIGHT
 ☐ STEPPED


← draft of  
fence  
outline  
proposal

## NO WARRANTY ON WOOD FENCES

\*Start date and estimated completion date to be determined upon signing of contract. Homeowner is subject to all terms and conditions on the front and back of this agreement.

Customer agrees to be responsible for: ALL PERMITS AND PERMISSIONS. The clearing of all fence lines of any obstruction. Supplying surveys, stakes, or marking of fence lines and to be fully responsible for the location of fence. Posting permits where required by town. Filling in under fence as needed to meet codes. Damages to any underground wires, pipes, sprinkler systems, etc.

Anchor Fence Contractors, Inc. reserves the right to withdraw this proposal if not accepted within 30 days.

Acceptance of Proposal. The above prices, specifications and conditions are satisfactory and are hereby accepted. I have read all agreement terms and conditions on the front and back of this agreement. You are authorized to do the work as specified. Please sign office copy, return with deposit, and a copy of your survey. \*If applicable, ST-8 form must be filled out and signed by actual property owner, and returned with signed contract.

Customer Signature \_\_\_\_\_ Date \_\_\_\_\_

Salesman Signature \_\_\_\_\_ Date \_\_\_\_\_

\*Start date: \_\_\_\_\_

\*Estimated Completion Date: \_\_\_\_\_

AS DRAW -	9500 -
NO 5'x6' (A)	- 1000 -
SUB TOTAL	
*SALES TAX/ST-8	NO TAX
TOTAL	
DEPOSIT (REQUIRED)	1/3
2ND DEPOSIT DUE DAY WORK STARTS	1/3
BALANCE DUE UPON COMPLETION	1/3

SUBJECT TO APPROVAL OF OFFICE White - Office • Yellow - Customer

OFFICE COPY



Dear Glen,

Thank-you for taking the time to discuss our fencing situation with me over the phone. As new home-owners, these permits, rules and regulations are not the easiest to understand. We apologize it took a little bit longer than expected to submit the actual application, I wasn't sure how detailed the sketch had to be on the survey? In this envelope, you will find the requested check, permit application, survey with proposed fence sketch, and a sketch from our vendor. Please let us know how to proceed moving forwards as we would love to spend some time in the yard with our toddler. We appreciate your time!

Stay Safe!

Best Regards,  
Peter & Marina

84 Manito Ave, Oakland, NJ  
dawoud.mar@gmail.com



Proposal #

16843

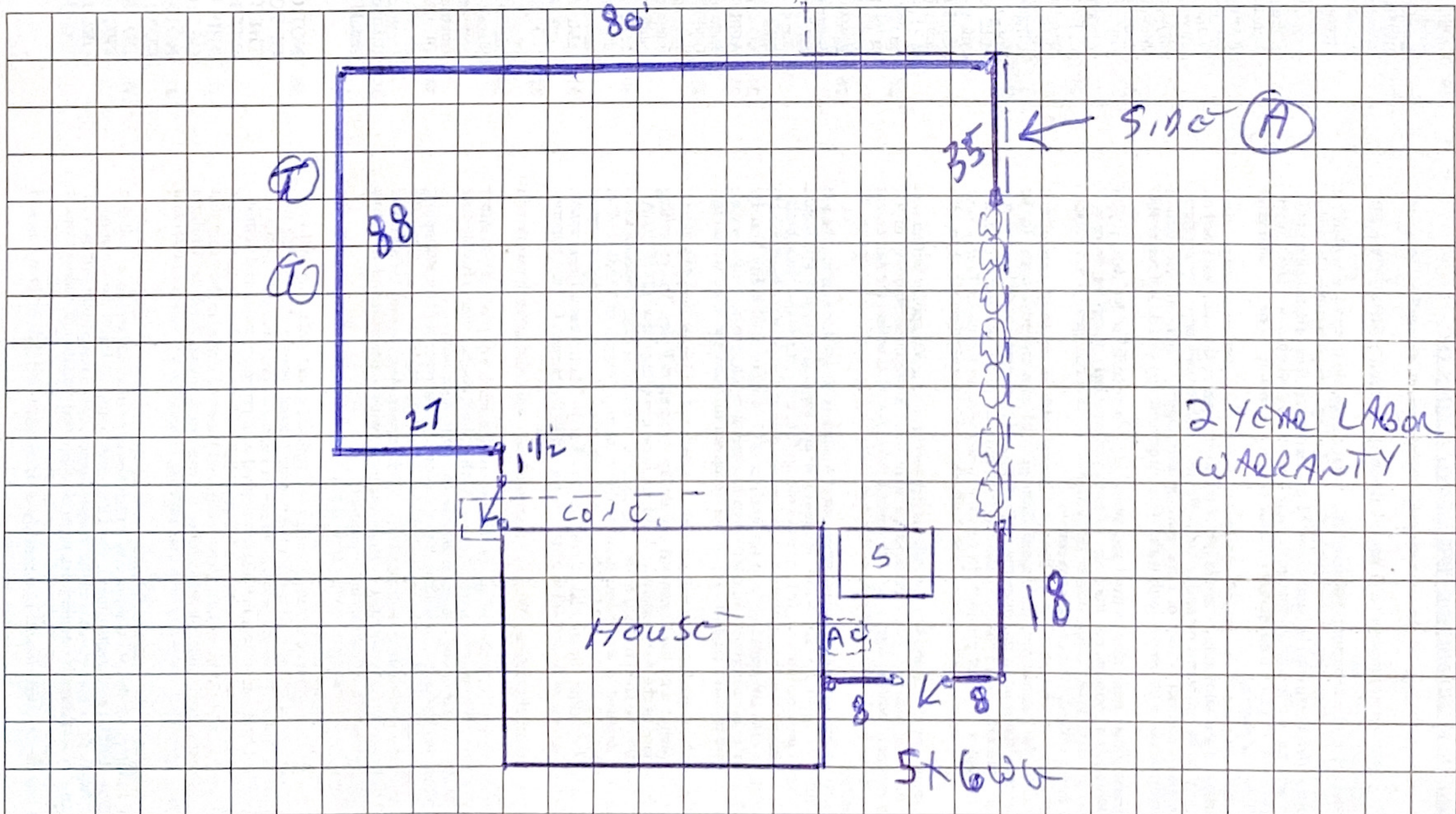


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<input checked="" type="checkbox"/> Supply		<input checked="" type="checkbox"/> Installation	
<input type="checkbox"/> Repair		<input type="checkbox"/> Delivery	
Qty	Height	Color	Description
<u>34</u>	<u>6</u>	<u>WHITE</u>	<u>VINYL 2"X2" RAILS</u>
<u>40</u>	<u>9</u>	<u>"</u>	<u>POST 5X5X9 NEW BRG CUL</u>
<u>1</u>			<u>WALK GATE 3 1/2 X 6 2 WAY KEY</u>
<u>1</u>			<u>WALK GATE 5 X 6 LATCHES</u>
<u>ALL POST CEMENTED IN GROUND</u>			

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Salesman Signature \_\_\_\_\_ Date \_\_\_\_\_

\*Start date: \_\_\_\_\_

\*Estimated Completion Date: \_\_\_\_\_

AS DRAWN NO SIDE (A)	SUB TOTAL	\$9500 - -1000 -
*SALES TAX/ST-8		NO TAX
TOTAL		
DEPOSIT (REQUIRED)		1/3
2ND DEPOSIT DUE DAY WORK STARTS		1/3
BALANCE DUE UPON COMPLETION		1/3

SUBJECT TO APPROVAL OF OFFICE White - Office • Yellow - Customer

OFFICE COPY