

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

Number _____ Hearing Date _____

Disposition _____ Site Inspection _____

Name

Address

Telephone

Applicant Anthony DeMaio t/a Inking Out Loud, LLC

160 Long Hill Road, Oakland NJ 07436

Owner DMR Realty, LLC

Tenant/Leasee Inking Out Loud, LLC - Suite 11 (1,100sf)

Agent for Owner Edward Decker, Managing Member, DMR Realty, LLC

Property Location 400 Ramapo Valley Road Block 3901 Lot 1

**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 September 24,
2020. 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 59:53-2A of the Zoning ordinance so as to permit (in accordance with
the attached plans): Tattoo & Piercing Studio

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.

Addendum attached

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.

Addendum attached

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.

Addendum attached

Addendum – Inking Out Loud, LLC.

The applicant is requesting approval of a use variance pursuant to N.J.S.A. 40:55D-70.d.(1) for a Tattoo and Piercing Studio, which according to the Zoning Denial attached, is not a use specifically permitted in the CBD-2 Zone, under the provisions of section 59:53-2A of the Oakland Zoning Code.

The applicant proposes to lease 1,100sf (Suite #11) of the existing 11,990sf strip mall. There will be 2-3 employees. Hours of operation will be from 12pm-9pm Tuesday to Saturday, 12pm-6pm Sunday, closed on Monday. No exterior or site improvements are proposed, other than repainting the existing exterior sign. Existing on-site parking will be utilized.

It is the applicant's contention that the particular use, although similar in nature to the previous personal service use (massage parlor), and many of the numerous uses permitted in the CBD-2 Zone, was either not contemplated at the time of adoption of the Zoning Ordinance, or inadvertently omitted.

A use variance can be granted pursuant to N.J.S.A. 40:55D-70d(1) "in particular cases and for special reasons", where the proposed use meets the positive criteria because the property is particularly well suited to accommodate the proposed use and promotes the purposes of the Municipal Land Use Law. The location, lot size and dimensions of the subject property, existing structure, existing building orientation, and adequate parking area all support the particular suitability of the property for the proposed use, as well as the similarity in personal service as the previous use and other uses in the building.

The granting of this variance will not be detrimental to the public welfare nor injurious to the other property or improvements in the zone and/or neighborhood, and also meets the negative criteria, where the granting of the variance will not result in a substantial detriment to the public good nor result in a substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The proposed use is consistent with the surrounding area and intent the CBD-2 zone, where such health and beauty uses are contemplated and are already in existence. It is the applicant's position that this benign use presents no detriment whatsoever, but in fact would provide personal benefits to the community, similar to those uses currently permitted.

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

1. Block number 3901 Lot number 1 Zoning district CBD-2
2. Street Address 400 Ramapo Valley Road, Oakland NJ 07436
3. Located between Ramapo Valley Road, Yawpo Avenue and Vine Street (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. _____
5. Lot length & width: Survey attached Interior of corner lot? Corner lot
6. Number of Streets the lot has frontage on: 3 Lot square foot area 48,087sf
7. Building size: (length & width) 218ft x 56.24ft
8. Height of building: (stories & feet) 1 story (20ft)
9. Percentage of lot occupied by building:
Now: 32 % - With proposed addition N/A %
10. Setback from property lines:
- | | Front | Rear | Right side | Left side |
|--------------|--|-------------|--------------|------------|
| a. Existing: | <u>110ft</u> | <u>15ft</u> | <u>3.5ft</u> | <u>2ft</u> |
| b. Proposed: | <u>No change or exterior improvements proposed</u> | | | |
11. Has there been any previous appeal involving these premises?
Yes _____ No _____ Unknown _____
12. Premises presently or last occupied as Massage Parlor
13. Has premises been the subject of any Planning Board action?
Yes _____ No _____ Unknown _____
If yes, attach a copy of Planning Board resolution to this application.
14. Date present owner became owner of property. January 2008

Sep. 6. 2007 3:49PM

Working Out Loud, LLC.

No. 8821 P. 8 P. 12

TAX MAP LOT 1
TAX MAP BL. 3405

THE ULTIMATE USER HAS AGREED TO THE PROPERTY CORNERS NOT BEING SET UNDER N.J.A.C. 13:40-5.1(d)

Tenant & Parking Analysis

3/19/21

BUILDING OFFSETS NOT TO BE USED FOR CONSTRUCTION OF FENCED OR OTHER PERMANENT STRUCTURES,
SUBJECT TO ALL EASEMENTS AND RIGHT OF WAYS OF RECORD, IF ANY.

VINE

60' WIDE

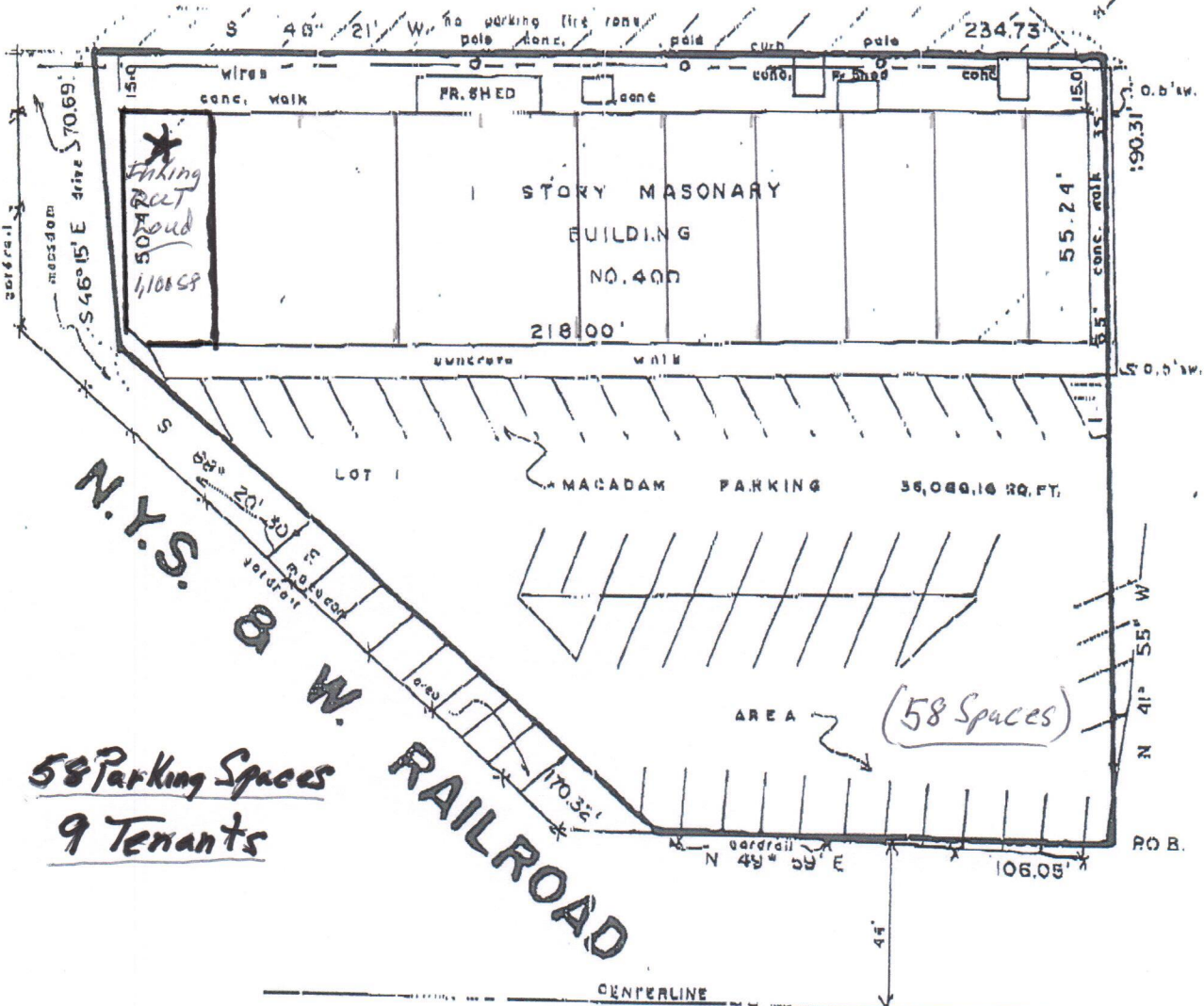
STREET

PER DEC

AVENUE

50' WIDE

YAWPO



*58 Parking Spaces
9 Tenants*

RAMAPO

VALLEY

ROAD

THIS SURVEY HAS BEEN MADE FROM INFORMATION FURNISHED TOGETHER WITH EVIDENCE FOUND ON THE GROUND AND IS CERTIFIED TO
COMMONWEALTH ATTORNEY'S OFFICE
SEGREGO, SEGREGO & SEGREGO (PAUL A. SEGREGO, ESQ.)
MARGARET PROFITO
WYCKOFF SHOPPING CENTER INC. 1540A
THIS CERTIFICATION IS MADE SPECIALLY FOR THE INDIVIDUALS IN THE TITLE AND FOR THE CERTIFICATION THE UNDERSIGNED WILL NOT BE RESPONSIBLE OR LIABLE FOR ANY ASSIGNMENT OF THIS SURVEY THROUGH A SURVEY AFFIDAVIT TO ANY PERSON NOT SO NAMED

DATED OCTOBER 1, 2002

[Signature]
N.J. LICENSED LAND SURVEYOR NO. 13221

SURVEY MAP PREPARED FOR AND CERTIFIED TO

RAMAPO SHOPPING CENTER INC.

400 RAMAPO VALLEY ROAD

BOROUGH OF OAKLAND

BERGEN COUNTY NEW JERSEY

SCALE
1" = 40'

JOHN HOOYMAN, JR.
HOOYMAN SURVEYING ASSOCIATES
P.O. BOX 83 WYCKOFF, N.J. 07481
PHONE & FAX - 201-881-4340



MILITO - GODSALL ASSOCIATES LLC
Architect - Professional Planner

IRVING D. MILITO, AIA
Principal
10001 W. ALIATA
(909) 799-2600 • 3415 W.
Blossington Ave.
Blossington, CA 94001

DAVID GODSALL
Principal
20000 E. PASEO
(909) 799-2600 • 3415 W.
Blossington Ave.
Blossington, CA 94001

Send no money now. We will bill you for the actual production of drawings upon completion of the project.

FOR
MORE INFO
CALL 800-541-5210
OR VISIT
WWW.MG-LLC.COM

TAX MAP LOT 1
TAX MAP BL. 3405

THE ULTIMATE SURVEYOR HAS AGREED TO THE PROPERTY CORNERS NOT BEING SET UNDER N.J.A.C. 13:40-5.1(d)

BUILDING OFFSETS NOT TO BE USED FOR CONSTRUCTION OF FENCES OR OTHER PERMANENT STRUCTURES.
SUBJECT TO ALL EASEMENTS AND RIGHT OF WAYS OF RECORD, IF ANY.

VINE

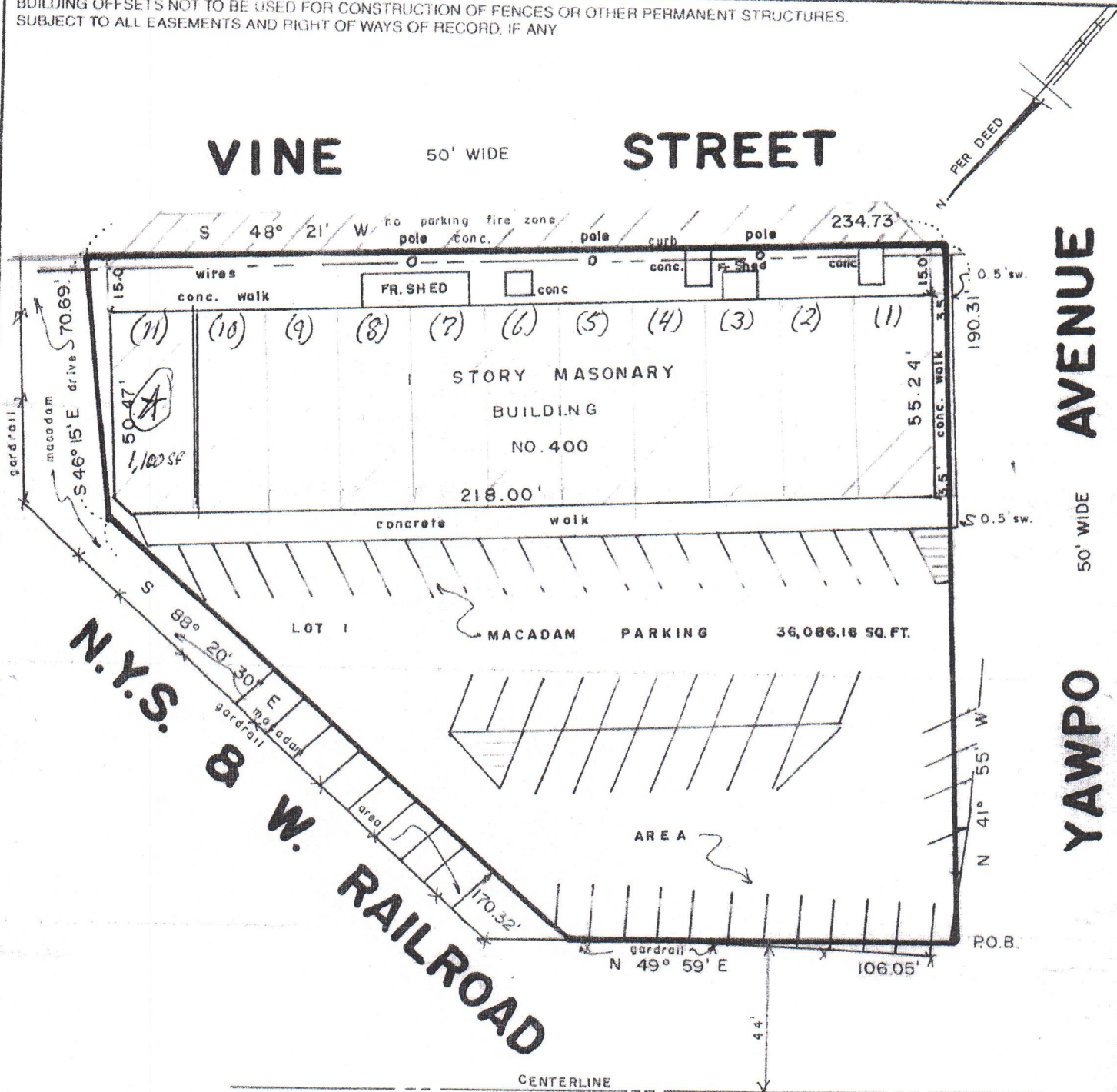
50' WIDE

STREET

AVENUE

50' WIDE

YAWPO



RAMAPO

VALLEY

ROAD

THIS SURVEY HAS BEEN MADE FROM INFORMATION FURNISHED TOGETHER WITH EVIDENCE FOUND ON THE GROUND AND IS CERTIFIED TO

COMMONWEALTH ALL-SERVICE TITLE AGENCY
SEGRETO, SEGRETO & SEGRETO (PAUL A. SEGRETO, ESQ.)

THIS CERTIFICATION IS MADE SPECIFICALLY FOR THE INDIVIDUAL(S) IN THE TITLE AND/OR THE CERTIFICATION. THE UNDERSIGNED WILL NOT BE RESPONSIBLE OR LIABLE FOR ANY ASSIGNMENT OF THIS SURVEY THROUGH A SURVEY AFFIDAVIT TO ANY PERSON NOT SO NAMED

DATED OCTOBER 1, 2002

John Hooymann, Jr.
NJ LICENSED LAND SURVEYOR NO. 13921

SURVEY MAP PREPARED FOR AND CERTIFIED TO

RAMAPO SHOPPING CENTER INC.

400 RAMAPO VALLEY ROAD

BOROUGH OF OAKLAND

BERGEN COUNTY NEW JERSEY

SCALE
1" = 40'

JOHN HOOYMAN, JR.

HOOYMAN SURVEYING ASSOCIATES

P.O. BOX 63 WYCKOFF, N.J. 07481

PHONE & FAX • 201-891-4340

TO: Board of Adjustment

FROM: Michael Tabback

Tony Demaio 201-286-5349

NOV. 25, 2020 JW

This is to advise you that on ~~September 24, 2020~~ a denial was issued to the tenant Demaio for the location 400 Ramapo Valley Road (suite #9) Oakland, NJ 07436

Block: 3901

Lot: 1

Zoning District: CBD-2

For: Tattoo studio

For the following reasons: Not a permitted use

The Ordinances pertaining to this application are:

Chapter 59

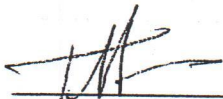
Sections 53-2

Schedule A

107 D

Fee: \$50.00 Paid by: # 231 LOD: # 20- 378

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



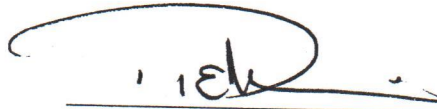
Michael Tabback
Zoning Official

AFFIDAVIT OF APPLICANT

STATE OF NEW JERSEY }
COUNTY OF BERGEN } ss:

Anthony DeMaio of full age, being dully sworn according to law, on oath deposes and says that all of the above statements and the statements contained in the papers submitted herewith are true.

Sworn to and subscribed
Before me this 18 day
Of March, 2020.



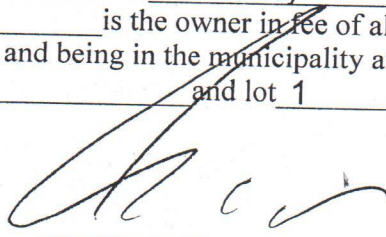
(Applicant to sign here)

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY }
COUNTY OF BERGEN } ss:

Edward Decker of full age, being duly sworn according to law on oath deposes and says, that the deponent resides at 201 Sheridan Avenue in the Borough of Ho-Ho-Kus in the County of Bergen and the State of New Jersey that DMR Realty, LLC is the owner in fee of all that certain lot, piece or parcel of land situated, lying, and being in the municipality aforesaid, and known and designated as block 3901 and lot 1.

Sworn to and subscribed
Before me this 18 day
Of March 2021.



(Owner to sign here)

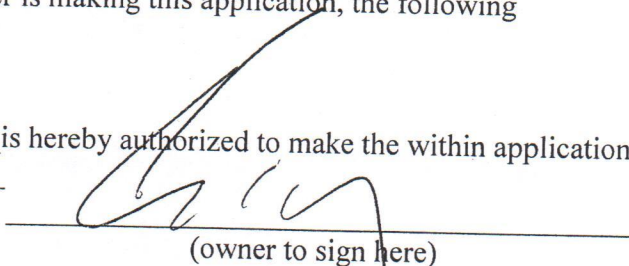
AUTHORIZATION

(If anyone other than above owner is making this application, the following authorization must be executed.)

To the Board of Adjustment:

Anthony DeMaio t/a Inking Out Loud, LLC is hereby authorized to make the within application.

Dated: March 18, 2021



(owner to sign here)