

Mr. Gallagher offered a motion to move on the adoption of the following Resolution:

2016-10

RESOLUTION APPROVING THE BULK VARIANCE APPLICATION
OF WALTER AND KURT GUENTHER FOR BLOCK 77, LOT 2.01;
4 MARINE PLACE, BOROUGH OF HIGHLANDS, NEW JERSEY

WHEREAS, the applicants are the owners of the above captioned property, located in the R-2.01 Zone; and

WHEREAS, the applicants propose to construct a deck onto the front of the existing single family structure located at the subject premises; and

WHEREAS, all jurisdictional requirements have been met and proper notice has been given pursuant to the Municipal Land Use Act and Borough Ordinances, and the Board has jurisdiction to consider this application; and

WHEREAS, the Board considered this application at a public hearing held on November 10, 2016; and

WHEREAS, the proposed construction of the deck requires the following bulk or "c" variance:

1. The proposed side setback of 1.2 feet will violate Ordinance section 21-65.27, which section requires the setback to be 3 feet; and

WHEREAS, the Board makes the following factual findings:

1. The variance is necessitated by the existing lot area and site conditions.
2. No land can be purchased by the applicants that would help abate the necessity for the variance.
3. The applicants will suffer an undue hardship if the variance is not granted.
4. The variances are related to the existing size and shape of the subject property; and

WHEREAS, the Board determined that the relief requested by the applicants is reasonable and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Borough of Highlands; and

WHEREAS, the Board after considering the testimony of the applicants and their witnesses and exhibits has found the requested variance to be acceptable with conditions.

NOW THEREFORE BE IT RESOLVED by the Land Use Board of the Borough of Highlands that the application for the variance from the Zoning Ordinance of the Borough of Highlands for the subject property is approved contingent on the following conditions being met:

NOW THEREFORE BE IT RESOLVED by the Land Use Board of the Borough of Highlands that the application for the variance from the Zoning Ordinance of the Borough of Highlands for the subject property is approved contingent on the following conditions being met:

1. All testimony, evidence and representations made by the applicant and her witness are incorporated herein.
2. Taxes, fees and escrow accounts shall be current.
3. The applicants shall comply with all of the comments and outstanding conditions set forth in the Board Engineer's letter dated November 2, 2016, which letter is incorporated herein in full by reference thereto.
4. The applicants shall obtain all outside agency approval as set forth in the above referenced letter if any.
5. The applicants' engineering will provide to the Board Engineer for his review and approval calculations that indicate that the proposed retaining wall will support the slope.

Seconded by Mr. Francy and adopted on the following roll call vote:

Ayes: Mr. Blewett, Mr. Card, Mr. Gallagher, Mr. Knox, Mr. Colby
Mr. Francy, Mr. Braswell, Mr. Stockton, Mr. Kutosh


Nays:

None

Abstain:

None

December 8, 2016.


Kathy Burgess, Board Secretary


Andrew Stockton, Board Chairman

I certify this to be a true copy of a written Resolution adopted by the Land Use Board of the Borough of Highlands on December 8, 2016.


Kathy Burgess, Board Secretary