

5/4/06

Mr. Duncan offered the following Resolution and moved on its adoption:

**RESOLUTION APPROVING BULK VARIANCES  
FOR BRANIN AT 39 CORNWALL STREET**

WHEREAS, the applicant, GARY BRANIN, is the owner of 39 Cornwall Street, Highlands, New Jersey (Block 48, Lot 3); and

WHEREAS, the applicant has filed an application to construct a second-story addition and place a roof on his front porch; and

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

WHEREAS, the Board considered the application at a public hearing at a meeting on April 6, 2006; and

WHEREAS, the Board heard the testimony of the applicant, GARY BRANIN; and

WHEREAS, no persons appeared in objection or to ask questions regarding the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1: 5-page variance application dated 1/23/06, which includes a denied zoning permit application and a survey by MR. ERNST dated 3/28/03;
- A-2: Bulk and area requirements list by Zoning Officer (2 pages);

- A-3: Survey by JAMES GODDARD dated 2/14/06;
- A-4: 10 pages of building plans prepared by applicant;
- A-5: Photo board with various photographs of neighboring properties;
- A-6: Second photo board; and

WHEREAS, the Board marked into evidence:

- B-1: Prior Zoning Board resolution dated 9/2/04 approving variances for same property; and

WHEREAS, the Board, after considering the evidence and testimony, has made the following factual findings and conclusions:

1. The applicant is the owner of a single-family home in the R-2.02 Zone.
2. The applicant proposes to add a roof to his front porch and extend the house upward, using the same footprint, to create more living space on the second floor.
3. The applicant requires variances for front yard (approximately 13.42 feet, where 20 feet is required), rear yard (5 feet, where 20 feet is required), building coverage of 40%, where 30% is allowed); side yard setback (5.62 feet, where 6 feet/8 feet are required); and from Ordinance 21-98.A.2

for the proposed addition exceeding 80% of the original footprint.

4. The variances sought for rear and side yard setbacks and building coverage are for preexisting conditions.

5. The applicant testified that he has a growing family, his wife is expecting another child, and more living space is required.

6. The applicant testified that the area to the rear of his home is a clear pathway, so that he can maintain the building.

7. The applicant's property sits further back from the street than most homes on the street, and his front yard is larger than most homes on the street.

8. The front line of the applicant's home, with the porch, is on line with the neighboring home to the west.

9. The porch will be a concrete top with limestone treads, and will not be enclosed.

10. Other properties in the neighborhood have enclosed porches, and some

do not. The applicant's neighbors to the west both have enclosed porches, and one has living space above the porch.

11. The Board questioned the chimney on the right-hand side of the home. The applicant agrees to reduce the extension of the chimney, so that it is only 24 inches, thereby requiring no variance.

12. The windows on the upstairs rear are being installed just for egress.

13. When the addition is completed, the house will have just under 5,000 square feet, inclusive of the garage and attic. The living space alone will total approximately 3,500 square feet.

14. Because of the design of the porch, the house will not appear as a large box, which would have been problematic for the Board. The applicant's proposal is, therefore, in keeping with the intent of Ordinance 21-98.A.2.

15. There is a full driveway between the applicant's home and the house to the west, which provides sufficient open space.

16. The Board determines that the applicant's proposed plans will create an aesthetically pleasing home, and that the design features employed by the applicant will be a positive addition to the neighborhood.

17. The proposed addition will not be a substantial detriment to the public good and will not be a substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, the application was heard by the Board at its meeting on April 6, 2006, and this resolution shall memorialize the Board's action taken at the April 6, 2006, meeting;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands that the application of GARY BRANIN to construct a second-story addition to his home at 39 Cornwall Street (Block 48, Lot 3), as defined on the plans submitted and referenced herein, be and is hereby approved, and the following variances are hereby granted: (A) front yard setback of 13.42 feet, where 20 feet is required; (B) side yard of 5.62 feet, where 6 feet/8 feet are required; (C) rear yard of 5 feet, where 20 feet is required; (D) building coverage of 40%,

where 33% is permitted; and (E) 100% addition, on same footprint, which is a variance from Ordinance 21-98.A-2;

AND BE IT FURTHER RESOLVED that this approval is subject to the following conditions:

(1) This approval is granted subject to the applicant obtaining formal approval from the Highlands Planning Board from the flood plain requirements.

(2) The front porch will not be enclosed.

(3) The chimney on the right-hand side of the home shall not extend more than 2 feet (24 inches) from the side of the house.

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

**ROLL CALL:**

**AYES:** Mr. Duncan, Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Fox, Mr. Mullen

**NAYES:** None

**ABSTAIN:** None

**DATE:** May 4, 2006

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**CAROLYN CUMMINS, BOARD SECRETARY**

I hereby certify this to be a true copy of the Resolution adopted by the Borough of Highlands Zoning Board of Adjustment on May 4, 2006.

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**BOARD SECRETARY**