

10/5/06

Final

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

**RESOLUTION APPROVING BULK VARIANCES
FOR DORIN AT 102 VALLEY AVENUE**

WHEREAS, the applicant, JOSEPH DORIN, is the owner of 102 Valley Avenue, Highlands, New Jersey (Block 35, Lots 10 & 11); and

WHEREAS, the applicant has filed an application to construct a 12-foot by 20-foot one-car garage to the existing single-family home; 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 on September 7, 2006; and

WHEREAS, the Board heard the testimony of JOSEPH DORIN, the applicant; and

WHEREAS, a neighbor (JERRY FELICIANO) appeared to inquire as to removal of any trees; and MICHAEL KOVIC appeared to support the application and explain certain features of it; and

WHEREAS, the applicant submitted the following documents in evidence:

A-1: Variance application;

- A-2: Zoning application and denial by Zoning Officer with additional bulk and area requirements chart dated 4/25/06;
- A-3: Project plan with 4/6/89 survey by ZIEMINSKI (4 pages);
- A-4: Portion of zoning map indicating a personal survey of neighboring properties with less than the required setback;
- A-5: 3" X 5" photograph showing existing carport;

WHEREAS, the Board received a review letter dated September 1, 2006, from FRANCIS MULLAN, Board Engineer;

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-1.01 Zone.
2. The new garage will be attached to the existing house.
3. Unless the garage was a detached garage, there would be no other place to locate it on the property.
4. This particular property is a very odd configuration and steeply sloped, which factors do not leave room for much movement as to location of any additional structure

on the lot. The driveway, for instance, is on a slope now.

5. The home is in the hill, and not at street level.

6. The proposed garage floor will be approximately four inches below the basement floor. For reference purposes, the front of the home is already an entrance to the ground floor basement.

7. As part of this plan, the driveway will have to be widened, and any runoff down the driveway will be directed onto Valley Avenue.

8. The applicant seeks an 11-foot front yard setback, where 35 feet is required in this zone. There is currently a setback of 22.09 feet.

9. The applicant also seeks variances for the preexisting conditions of lot depth (95 feet, where 100 feet is required) and side yard setback (6 feet/73 feet, where 8 feet/12 feet are required).

10. The Board was concerned with the structural integrity of the proposed retaining wall along the driveway, and

leaves the review of that matter to the appropriate Borough officials.

11. The new driveway will be of the same material (asphalt) when widened.

12. The applicant testified and agreed that no large trees (defined as no more than six inches in diameter) will be removed from the property.

13. The subject property is over 10,000 square feet in area, where the zone requires 5,000 square feet. This property, therefore, is more than double the zoning ordinance requirements. For reference purposes, the lot width is over 125 feet, where only 50 feet are required.

14. The location of the house and topography of the land dictate that any proposed garage, such as requested, has limited alternatives from which to choose in siting such a structure.

15. The Board finds that the proposed garage will have no adverse affect on the neighbors. In fact, the applicant's request seeks very minimal relief. There will not,

therefore, be any substantial detriment to the public good.

16. Since the relief sought is minimal, the Board further finds that there will not be any 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 September 7, 2006, and this resolution shall memorialize the Board's action taken at the September 7, 2006, meeting;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands that the application of JOSEPH DORIN to construct a 12-foot by 20-foot one-car garage addition to the existing home at 102 Valley Avenue (Block 35, Lots 10 and 11), as defined on the plans submitted and referenced herein, be and is hereby approved, and variances are hereby granted for the preexisting conditions of lot depth and side yard setback; and for front yard setback, all as set forth earlier in this resolution;

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

- (1) The appropriate Borough officials shall determine whether there is sufficient structural integrity of the retaining wall.

(2) No large trees (meaning over 6 inches in diameter) shall be removed from the property;

(3) Any trees over 3 inches in diameter, however, shall not be removed unless approved by the appropriate Shade Tree officials.

Seconded by Miss Tierney and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Duncan, Mr. Braswell, Mr. Mintzer, Mr. Francy, Miss Tierney, Mr. Mullen

NAYES: None

ABSTAIN: None

DATE: October 5, 2006

CAROLYN CUMMINS, BOARD SECRETARY

I hereby certify this to be a true copy of the Resolution adopted by the Borough of Highlands Zoning Board on October 5, 2006.

BOARD SECRETARY