

10/5/06

Final

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

**RESOLUTION APPROVING BULK VARIANCES
FOR HAMILTON AT 3 SEA DRIFT AVENUE**

WHEREAS, the applicant, ANNE HAMILTON, is the owner of 3 Sea Drive Avenue, Highlands, New Jersey (Block 72, Lot 39); and

WHEREAS, the applicant initially filed an application to construct a rear deck on the first floor, an extension to the rear of the second floor, a third floor addition, a rear deck to the third floor, and a cable railing along the roof surface; however, the application was subsequently amended by the applicant to only propose a 220-square foot addition to the second floor and the adding of a 99-square foot deck at the rear of the second floor;

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 public hearings on August 3 and September 7, 2006; and

WHEREAS, the Board heard the testimony of the applicant, ANNE HAMILTON; her architect, MARK TEICHMAN; and CATHERINE FRANCO, her replacement architect and planner; and

WHEREAS, one neighbor, WALTER GUNTHER, of 2 Marine Place, appeared in support of the application, though he

expressed concern with the elevation; and another neighbor, a different MR. GUNTHER, of 4 Marine Place, appeared in opposition to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1: Variance application (3 pages);
- A-2: Revised flood plain review application with MR. GILSON'S 7/27/06 letter attached;
- A-3: Elevation certificate indicating property is in the VE Zone, with a 12-foot requirement;
- A-4: Fire Prevention site plan requirement sheet dated 7/28/06;
- A-5: Architectural plans by MARK TEICHMAN dated 7/21/06 (3 pages);
- A-6: Zoning permit application dated 2/17/06, with additional fourth page;
- A-7: 10/5/05 survey by VINCENT LUNGARI;
- A-8: Four photographs;
- A-9: 8/30/06 flood review memo by MR. GILSON;
- A-10: 8/20/06 architectural drawings by CATHERINE FRANCO (replacing Exhibit A-5);
- A-11: Aerial photograph showing location of home; and

WHEREAS, the Board received and marked the following exhibits into evidence:

- B-1: Board Engineer review letter (revised) dated 8/1/06;
- B-2: Board Engineer revised review letter dated 9/7/06 (replacing Exhibit B-1);

B-3: Revised zoning review chart by Zoning Officer dated 9/5/06;

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-2.01 Zone.

2. The current home is relatively small, as a result of which the owner is requesting approval to add living space.

3. As a result of the revised plans, the applicant requests variances for the following preexisting conditions: (A) minimum lot area of 1,750 square feet, where 3,750 square feet is required (or 2,500 square feet under the non-conforming lot standards); (B) minimum lot width of 25 feet, where 50 feet is required; (C) minimum lot depth of 70 feet, where 75 feet is required; (D) minimum front yard setback of 8.36 feet, where 20 feet is required; (E) minimum side yard setback of .62 feet and 1.84 feet, where 6 feet/8 feet are required; and (F) required parking stalls of zero, where 2 stalls are required.

4. The applicant also seeks a variance for minimum rear yard setback of 13 feet, where 20 feet is required; and maximum building coverage of 54%, where 33% is allowed.

5. Of the preexisting conditions for which variance relief is sought, the only dimensional requirement to be enlarged from the existing conditions is the minimum rear yard setback. Currently there is 25 feet, where 13 feet is proposed.

6. As a result of the change in the plans (Exhibit A-5 to new Exhibit A-10), the applicant is now keeping within the footprint of the existing building and its existing rear yard deck. No part of the new structure will be closer to the rear property line than the currently existing rear deck.

7. All building standards are being upgraded for the property, without raising the building or modifying its height. Utilities are being elevated above the flood plain elevation requirement.

8. The current basement will remain as is.

9. The rear extension of the main house on the second floor will be narrower than the existing house to provide a 2-foot greater side yard on each side of the addition and end at the same location as the existing first floor below (approximately in line with the neighbor's home to the south).

10. The second floor deck will extend 5 feet 6 inches further beyond the rear of the principal structure, but will not go beyond the subject's existing first floor deck below.

11. The deck area on the first floor will remain unchanged, as a result of which there will no longer be open decking in the rear yard (which had been proposed in the original application).

12. The second story deck will not extend further than the current ground-level deck below it, and all portions of the new structure will maintain a 13-foot setback from the rear property line.

13. The proposed changes to the structure fit the character of the existing neighborhood, and are a modest change to the current structure.

14. The Board was favorably impressed with the substantial changes made to the plans between the plans initially submitted by the applicant and the revised plans submitted for the second meeting. The intensity of the structure was scaled back considerably. All of this struck the Board as modest changes, which will have no detrimental effect on any of the neighbors.

15. The applicant has agreed to redo the curb, if damaged during construction. The sidewalk will also be redone.

15. The proposed addition will not be a substantial detriment to the public good. In fact, it will be in keeping with the character of the entire neighborhood. It also will not be a substantial impairment to the intent and purpose of the zone plan and zoning ordinance, as the proposed changes are quite modest.

WHEREAS, the application was heard by the Board at its meetings on August 3 and 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 ANNE HAMILTON to add 220 Square feet to the second floor of the existing dwelling, and an additional 99 square feet to the deck at the rear of the second floor of her home at 3 Sea Drift Avenue Block 72, Lot 39), as more fully set forth on the revised plans submitted and referenced herein, be and is hereby approved, and variances are hereby granted for the preexisting conditions described herein regarding lot area, lot width, lot depth, front yard setback, side yard setback and parking; and variances are further granted for rear yard setback and building coverage, as defined above;

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

(1) Proposed roof runoff shall be directed toward the street, and not onto adjoining properties;

(2) The sidewalk will be redone. If the curb is damaged during construction, it will be redone as well.

(3) The rear extension on the second floor shall extend no further than the imaginary rear line of the southerly neighbor's home.

(4) The second story deck will not extend further than the current ground level deck below it.

(5) As to the bay windows, the one in the front of the house will not project further into the required front yard than the existing house.

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 of Adjustment on October 5, 2006.

BOARD SECRETARY