

5/3/07

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

**RESOLUTION APPROVING BULK VARIANCES  
FOR BURTON AT 22 ATLANTIC STREET**

WHEREAS, the applicant, ROBERT BURTON, is the owner of a single-family home at 22 Atlantic Street, Highlands, New Jersey (Block 72, Lot 4); and

WHEREAS, the owner filed an application to add a covered 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 on April 5, 2007; and

WHEREAS, the Board heard the testimony of the applicant, ROBERT BURTON, and no one appeared in opposition or to ask questions about the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1: Variance application (3 pages);
- A-2: Zoning permit application and denial, including Zoning Officer's bulk and area requirements chart;
- A-3: 7/10/06 Survey by Thomas Finnegan;
- A-4: Front elevation and floor plan prepared by applicant (2 pages);

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

1. The applicant is the owner of property located in the R-2.02 Zone.

2. The site currently contains a two-story single-family home, which sits further back from the street than most, if not all, of the homes on the street.

3. The applicant seeks to add an enclosed front porch and, because the addition will exceed the lot coverage requirement, requires variance relief.

4. The house is currently approximately 29 feet 4 inches high and approximately 26 feet wide.

5. The addition of the front porch will make the home more aesthetically pleasing, and be a better look for the neighborhood.

6. Aside from being set so far back from the street, this is one of only a few houses on the block that are set back from the street.

7. One neighbor is approximately 3 feet to 4 feet from the property line, although that neighbor has advised the applicant that they are planning to tear down the house.

8. The subject property has no driveway, but, rather, grass in the front yard. The applicant wants to maintain the grassy area.

9. The Board felt that it was unfortunate that a variance application had to be filed in this case, however, the same was necessary because the addition would exceed the permitted lot coverage.

10. The proposed enclosed porch will not be a substantial impairment to the intent and purpose of the zone plan and zoning ordinance and, based upon the testimony, the Board is empowered to grant this variance pursuant to N.J.S.A. 40:55d-70c(2). In fact, the Board felt that the proposed addition would definitely be an enhancement and improvement to the home.

11. The applicant requests variances for the following preexisting conditions: Lot size of 2,700 square feet, where 4,000 square feet is required; lot width of 30 feet, where 50 feet is required; side setback of .5 feet/3.5 feet, where 6 feet/8 feet is required; and rear setback of 6.4 feet, where 20 feet is required. Applicant also seeks a building coverage variance of 40%, where 33% is allowed by ordinance.

WHEREAS, the application was heard by the Board at its meeting on April 5, 2007, and this resolution shall memorialize the Board's action taken at that meeting;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands that the application of ROBERT BURTON to add an enclosed front porch be and the same is hereby approved. Variances are hereby granted for the preexisting conditions of lot size, lot width, side setback, and rear setback, as more fully set forth above. A building coverage variance is also granted for 40%.

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

**ROLL CALL:**

**AYES:** Mr. Mintzer, Mr. Francy, Ms. Ryan, Mr. Anthony, Mr. Gallagher,  
Mr. Mullen  
**NAYES:** None  
**ABSTAIN:** None

**DATE:** May 3, 2007

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**CAROLYN CUMMINS, Board Secretary**

I hereby certify this to be a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Borough of Highlands on May 3, 2007.

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**BOARD SECRETARY**