

8/2/07

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

**RESOLUTION APPROVING BULK VARIANCES
FOR RENNER ON BAY AVENUE**

WHEREAS, the applicant, ROBERT RENNER, is the owner of a vacant lot on Bay Avenue in Highlands, New Jersey (Block 64, Lot 21); and

WHEREAS, the owner filed an application to construct a two-story 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 July 5, 2007; and

WHEREAS, the Board heard the testimony of the applicant, ROBERT RENNER; and

WHEREAS, no other persons appeared on the application; and

WHEREAS, the applicant submitted the following documents in evidence:

A-1: Variance application (3 pages);

A-2: 1/31/03 letter from Building Department approving zoning permit application for property and addressed to VICTOR LAURITANO (former owner);

- A-3: Zoning permit application with reduced 11/11/02 survey thereon, with Zoning Officer's bulk and area requirements chart attached;
- A-4: New cover sheet for Plot Plan by JAMES GODDARD dated 6/12/07;
- A-5: 3 pages of original plot plan, which are part of Exhibit A-4;
- A-6: Elevation certificate by JAMES GODDARD dated 4/20/07;
- A-7: Survey by JAMES GODDARD dated 4/12/07;
- A-8: Pictures on board;
- A-9: Pictures on board.

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 is currently vacant.
3. When the applicant first purchased the property, inquiry was made of the Highlands Construction Department to determine whether a single-family home could be constructed thereon, without the need for variance relief. The Building Department advised by letter dated January 31, 2003 (Exhibit A-2) that the proposed structure was permissible.
4. Subsequently, it was determined that a home could not be built on the vacant lot without variance approval being obtained.

5. The applicant seeks approval for the following variances:

A. Minimum lot size of 2,500 square feet where 4,000 square feet is required, a preexisting condition;

B. Minimum lot width of 25 feet where 50 feet is required, a preexisting condition;

C. Side yard setbacks of 3 feet and 4 feet where 6 feet and 8 feet are required;

D. Maximum building coverage of 36% where 33% is permitted.

6. Since the structure will have parking underneath, the proposed roof height of 32.5 feet meets the ordinance requirements and, therefore, a height variance is not needed.

7. This is an undersized lot, which is quite common in the area of the subject property. In fact, a home was built last year, just east of the subject, on the same size lot.

8. The proposed size of the home to be constructed is 18 feet by 80 feet.

9. There are two decks in the rear of the proposed structure, which will extend 8 feet from the structure, and are 12 feet wide. That will still leave 22 feet from the deck to the rear property line, as a result of which the applicant meets the rear setback requirements.

10. The applicant testified that there will be no maintenance problems between the houses, despite their close proximity. The Board calculated the distance between the proposed home and the house to the east at 4.7 feet and to the house to the west at 6.2 feet.

11. Despite the photographs, which appear to have trees throughout, there are no trees on the subject property, but, rather, only on the neighboring properties.

12. The applicant purchased the property on June 2, 2003, and it has been vacant for four years.

13. The Board Chairman reviewed the Two Rivers Construction application, and advised that the relief sought in this application is similar, if not identical, to the relief sought in that case.

14. The Board finds that the applicant has proven a case for variance relief under N.J.S.A. 40:55D-70c(2), in that the benefits of the proposed deviations would substantially outweigh any detriment; and that under 40:55D-70c(1) this relief is appropriate because of the exceptional narrowness of the property.

15. The proposed single-family home will not, therefore, 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 July 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 RENNER to construct a two-story single-family home on the vacant lot on Bay Avenue on Lot 21 in Block 64 is hereby approved, and that variances for the preexisting conditions of lot size and lot width, plus the variances for side yard setback and building coverage, all as described earlier in this resolution, are hereby approved;

AND BE IT FURTHER RESOLVED that these variances are granted upon the following conditions:

1. All drainage shall be directed toward the street (Bay Avenue).
2. An "as built" survey shall be submitted to the Construction Department before any Certificate of Occupancy issues to confirm the height and sideyard setbacks.
3. Construction of the home shall be subject to approval by the Atlantic Highlands Highlands Regional Sewerage Authority.

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

ROLL CALL:

AYES: Mr. Mintzer, Mr. Fox, Mr. Anthony, Mr. Mullen, Mr. Gallagher, Mr. Britton

NAYES: None

ABSTAIN: None

DATE: August 2, 2007

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 August 2, 2007.

BOARD SECRETARY