

9/4/08

Ms. Ryan offered the following Resolution be memorialized and moved on its adoption:

**RESOLUTION APPROVING BULK VARIANCE
FOR WOOD AT 3 SOUTH PEAK STREET**

WHEREAS, the applicant, THOMAS H. WOOD, JR., is the owner of a single-family home at 3 South Peak Street, Highlands, New Jersey (Block 26, Lot 9.02); and

WHEREAS, the owner filed an application to remove his current small front porch and add a larger open 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 August 7, 2008; and

WHEREAS, the Board heard the testimony of the applicant, THOMAS H. WOOD, JR., and his builder, MARTIN BRITTON; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1: Variance application (4 pages);
- A-2: Zoning permit application and denial;
- A-3: 1/14/97 Survey by Thomas Stuart;
- A-4: 1-Page schematic of proposed porch;
- A-5: 6 Photographs of structure sub-lettered (a) through (f);

AND, WHEREAS, no persons appeared in opposition or to ask questions about this application; 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 property located in the B-1.01 Zone.

2. The site currently contains a single-family home with a very small front porch landing.

3. The applicant seeks to remove the current front porch landing and construct a front porch 10 feet wide and 6 feet deep (from the home), which will not be enclosed.

4. The current front porch landing is made of brick and mortar and requires constant repair. You have to step off the landing in order to open the front door. There is also no protection from bad weather.

5. The property owner has made other improvements to his home, such as the roof, gutters and soffits, and he now wants to complete the exterior projects by installing a front porch that you can stand on, open the door to get in the house, and also be protected from the elements while on the porch. It will not be enclosed.

6. The existing garage already extends 2 feet from the house. As a result, the 6-foot projection of the proposed new porch will extend 4 feet further from the house than the garage.

7. The proposed 10 feet in width of the new porch will still make it less than one-fourth of the width of the home.

8. The new porch will not be closer to the street than the front edge of the current sidewalk, which runs from the driveway to the front door.

9. The applicant requires a front yard setback variance to permit construction within 27 feet, where 35 feet is required.

10. The Board determined that this was a *de minimus* application, in that the variance requested is very minor.

11. Though no neighbors testified, the applicant testified that he spoke to at least 21 of the 40 neighbors, and all of them had positive comments regarding his planned new porch.

12. The proposed front 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).

13. The Board finds that the change from a small porch landing to the proposed front porch will be an enhancement to the property and to the neighborhood. It will also be an improvement to the appearance of the home.

WHEREAS, the application was heard by the Board at its meeting on August 7, 2008, 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 THOMAS H. WOOD, JR. to remove his existing front porch landing and construct a new front porch of 10 feet by six feet is hereby approved. A variance is hereby granted for the front yard setback of 27 feet, where 35 feet is required by ordinance.

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

ROLL CALL:

AYES: Mr. Braswell, Mr. Francy, Ms. Ryan, Mr. Mullen

NAYES: None

ABSTAIN: None

DATE: September 4, 2008

CAROLYN CUMMINS, BOARD SECRETARY

I hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands Zoning Board at their meeting held on September 4, 2008.

BOARD SECRETARY