

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

8/1/13

**RESOLUTION APPROVING USE AND BULK VARIANCES
FOR STEINER**

WHEREAS, PAUL and LISA STEINER are the owners of two lots with one residence each at 6 King St., Highlands, New Jersey (Block 103, Lots 3 and 16); and

WHEREAS, the applicants, because of "Sandy", seek to elevate their home, as a result of which steps will need to be added, requiring variance approval; 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 18, 2013; and

WHEREAS, the Board heard the testimony of PAUL STEINER, and

WHEREAS, 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 of 3 pages, plus a photograph

A-2 6/14/13 survey by Jason Tarrantino

- A-3 Foundation repair by JT Engineering (2 pages)
- A-4 Elevation certificate dated 7/5/07
- A-5 Zoning Permit Application with Zoning Officer's comments dated 6/5/13
- A-6 Flood Plain review application dated 7/1/13
- A-7 Architectural plans by Hiland Hall Tower & Associates dated 6/13/13 (3 pages)
- A-8 Photo of building—2 views (1 Page)

AND, WHEREAS, the following exhibits were marked into evidence as Board exhibits:

- B-1 7/15/13 Board engineer's review letter

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 R-2.03 Zone.

2. The site currently contains the primary house fronting on King Street and a smaller cottage to the rear of the property which traverses the lot line between Lots 3 and 16. Both structures have been there for many years.

3. The rear home sustained no damage during Superstorm Sandy; however, the front structure did

sustain water damage, requiring repairs and that it be elevated.

4. By elevating the primary structure, steps will need to be added, but there is insufficient room to add steps to the front of the home without coming out into the municipal right-of-way. Accordingly, a small porch is needed, so that the steps can be installed off the left side (south side) of the home.

5. Aside from the installation of the steps and porch, there are no plans to undertake any repairs or improvements to the home.

6. There will be no roof over the new porch or steps.

7. The addition of steps to the south side of the home will not extend the non-conformity. In fact, the steps will not go out as far to the south side of the property as the existing home does at its rear.

8. No changes are proposed to any of the roof leaders or gutters.

9. The owner seeks bulk variances for the following preexisting conditions:

A. Minimum lot area of 3,075 square feet where 5,000 square feet are required.

B. Lot frontage of 25 feet where 50 feet are required.

C. Front yard setback of .59 feet.

D. Side yard setback of 3.54 feet/ 0 feet where 6/8 feet are required.

E. Rear yard setback of 0 feet where 20 feet are required.

F. Building coverage of 35% where 30% is allowed.

10. The adding of the front porch platform with no roof and steps to the south side of the house requires a new variance for the front yard setback. The porch 7 $\frac{3}{4}$ inches from the yard boundary line.

11. Despite the raising of the structure, no height variance is needed.

12. The residential use, for one structure, is permitted in the zone. The secondary home, which has been there for years, requires a use variance for the preexisting condition. Neither home, however, contradicts the neighborhood character.

13. The applicant meets the alternative tests of the Municipal Land Use Law (N.J.S.A. 40:55D-2) as a result of his proof that, if the Board were to deny the grant of the variance, it would be an undue hardship. The two structures have been on this property for many years and, but for Superstorm Sandy,

the primary structure would not have to be raised to comply with the flood regulations.

14. With respect to the negative criteria required to be proven under N.J.S.A. 40:50D-70(d), the Board is satisfied that, since the bulk of the relief requested is for preexisting conditions, there is no detriment to the subject property or the neighborhood. Actually, it is an improvement. In addition thereto, the variance requests here are *de minimus*.

15. The requested relief will not 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 18, 2013, 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 Paul and Lisa Steiner to add a small porch and steps to the front and left side of their home, respectively, at 6 King Street is hereby granted. Variances are hereby granted for the preexisting conditions recited in paragraph 9 above. A use variance is granted to continue the two homes on the two lots, as shown on the applicants' survey; and a bulk variance is granted to permit the installation of a porch platform at the

front and steps on the left side of the home, as shown on the applicant's plans.

AND BE IT FURTHER RESOLVED that this approval is conditioned upon the following:

A. There shall be no roof over the new porch and steps.

B. The applicant shall be responsible to repair any damage caused to the borough's right of way as the result of the installation of the porch and steps.

C. Flood review is deferred to the Flood Plain Administrator.

D. Submission of a Permit-by-Rule Notice.

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

ROLL CALL:

AYES: Mr. Kutosh, Mr. Gallagher, Mr. Mullen, Ms. Pezzullo, Ms. Maresca

NAYES: None

ABSTAIN: None

DATE: August 1, 2013

Carolyn Cummins, Board Secretary

I hereby certify this to be a true copy of a Resolution adopted by the Zoning Board of Adjustment at a meeting held on August 1, 2013.

Board Secretary