

Mr. Knox offered the following Resolution and moved on its adoption:
4/3/14

**RESOLUTION APPROVING BULK VARIANCES
FOR KAJIJI**

WHEREAS, the applicant, SHAMA KAJIJI, is the owner of a single family residential property at 15 Seadrift Avenue in the Borough of Highlands (Block 72, Lot 34); and

WHEREAS, the applicant filed an application for variance approval to elevate her existing dwelling in order to comply with the new flood zone requirements and to construct an addition to the rear of the home and add a roof deck; 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 March 6, 2014; and

WHEREAS, the Board heard the testimony of the applicant, SHAMA KAJIJI. In addition, a neighbor, PHILLIP HOLLEMBEAK, testified that the applicant had submitted a "nice plan". No other persons appeared to ask questions or object to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (2 pages);
- A-2 Zoning Officer denial dated 2/5/14 (2 pages);
- A-3 Plot plan by Thomas Santry dated 1/20/14
- A-4 Architecturals by Michael Wu dated 2/6/14 and revised 2/28/14 and 3/1/14 (3 pages);
- A-4a revisions to A-4 (2 pages);
- A-5 Elevation certificate by Thomas Santry dated 2/4/13 (3 pages), showing the property in the VE Zone;
- A-6 one page handdrawing by Mr. Wu

AND, WHEREAS, the following exhibit was marked into evidence as a Board exhibit:

- B-1 Board Engineer, Robert Keady, review letter dated 2/26/14 (5 pages with aerial photo attached);

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-2.01 Zone, in which single-family residences are permitted.

2. The site previously contained a single family residence, which home was substantially damaged during Superstorm Sandy in October 2012.

3. As part of the necessary repairs, the property owner has determined that it would be an

improvement to the home to enclose the existing deck and to provide a sitting area on the roof.

4. Off-street parking for two vehicles under the plan is provided, so no parking variance is required.

5. The applicant seeks to raise the structure in order to comply with the new flood zone requirements.

6. Though the house will be enlarged to the rear, because of the deck enclosure, there will be an increase, under the ordinance, of building coverage. Also, though the lot coverage is increasing, it still falls within the ordinance limitations. The footprint, however, will remain basically the same.

7. Because of the deck enclosure, a side yard setback variance is required on one side, going from the existing 8.3 feet to 5.3 feet.

8. The applicant seeks the following relief:

A. Lot area variance for 2,800 square feet, where 3,750 square feet are required; a pre-existing condition.

B. Lot frontage of 40 feet on each street, where 50 feet are required; a pre-existing condition.

C. Lot depth of 70 feet, where 75 feet are required; a pre-existing condition.

D. Front yard setback of 10.5 feet where 20 feet are required; a pre-existing condition.

E. Rear yard setback of 13.7 feet where 20 feet are required; a pre-existing condition.

F. Setback for accessory structure (deck) of 0.8 feet where 3 feet are required; a pre-existing condition.

G. Side yard setbacks of 0.8/5.3 feet where 6/8 feet are required; the prior setbacks were 0.8/8.3 feet, resulting in a further encroachment of 3 feet.

G. Building coverage of 50.9% where 33% is permitted. The prior home had coverage of 41.07.

9. Building height and lot coverage and are all within the requirements of the borough ordinance.

10. The raising of this residential structure in accordance with the new flood zone requirements will improve the subject property, make it safer, and also improve the neighborhood. The application will also preserve the neighborhood character.

11. This application was made as a result of damage caused by Superstorm Sandy, which devastated many properties within the borough. The applicant is, basically, seeking to rehabilitate her home, but in conformance with the new flood zone requirements. As a result, the Board finds that the positive criteria

required for bulk variance relief under N.J.S.A.
40:55D-70(c) has been met.

12. This application will not cause any substantial detriment to the public good, nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance. Further, it will not have any negative impact on the surrounding properties.

WHEREAS, the application was heard by the Board at its meeting on March 6, 2014, 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 SHAMA KAJIJI to rehabilitate her single family home, elevate it , enclose her deck and add a sitting area on her roof, all as set forth on the plans submitted is hereby approved. Accordingly, bulk variances are granted as set forth in paragraph 8 above for lot area, lot frontage, lot depth, front yard setback, rear yard setback (all of which are pre-existing conditions), and for side yard setbacks and building coverage.

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

A. Signed architectural renderings/ plans shall be submitted before any construction permits are issued.

B. Any damage during construction which is caused to the existing pavement, sidewalk and curb shall be repaired or replaced to the satisfaction of the borough.

C. The Board defers to the Flood Plain Officer to review the building elevation, the property being in the A zone.

D. The applicant shall provide either necessary permits from CAFRA or a letter of no interest from the NJDEP.

E. Compliance with FEMA and all other outside agencies and departments.

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

ROLL CALL:

AYES: Mr. Kutosh, Mr. Knox, Mr. O'Neil,
Mr. Braswell

NAYS: None

ABSTAIN: None

DATE: April 3, 2014

Carolyn Cummins
Board Secretary

I hereby certify this to be a true copy of a Resolution adopted by the Zoning Board of the Borough of Highlands on April 3, 2014.

Board Secretary