

Mr. O'Neil offered the following Resolution and moved on its adoption:  
5/1/14

**RESOLUTION APPROVING BULK VARIANCES  
FOR GELPIN**

WHEREAS, the applicant, PRINCE GELPIN, is the owner of a single family residential property at 1 Locust Street in the Borough of Highlands (Block 101, Lot 19); and

WHEREAS, the applicant filed an application for variance approval to rebuild his home that was substantially damaged during Superstorm Sandy and which was destroyed during the process of raising it out of the flood plain; 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 3, 2014; and

WHEREAS, the Board heard the testimony of the applicant, PRINCE GELPIN and his neighbor, JOE HOHERCHAK, who appeared to both ask questions and object to the side yard proposals where they abut his property; and

WHEREAS, the applicant submitted the following documents in evidence:

A-1 Variance application (3 pages);

- A-2 Zoning Officer denial dated 3/3/14 (2 pages);
- A-3 "Plot Plan with Variance" by Donna Bullock of Engineering Group, LLC dated 2/20/14
- A-4 Architectural drawing by Emmanuel Ubiora of ECO Architects LLC dated 3/23/14.

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

- B-1 Board Engineer, Robert Keady, review letter dated 3/27/14 (4 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-1.03 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. The property owner hired a contractor who was in the process of raising the house when it fell and was destroyed, requiring the owner to rebuild the entire house.

4. The applicant's lot has frontage on two streets, Locust Street (front door) and Willow Street.

5. Off-street parking for two vehicles will now be provided, which change was made by the applicant during the hearing. He will either add a garage door to the other frontage, or widen the newly planned garage door to permit access for another vehicle. No parking variance, therefore, will be required.

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

7. The footprint of the new structure will be virtually the same as the prior home.

8. The applicant seeks the following variance relief:

A. Lot area of 1,220.78 square feet, where 14,000 square feet are required (a pre-existing condition).

B. Lot frontage of 27.15 feet where 75 feet are required (a pre-existing condition).

C. Lot depth of 44.21 feet where 200 feet are required (a pre-existing condition).

D. Front yard setback of 8.6 feet from Locust Street and 2.6 feet from Willow Street where 20 feet are required. The prior setbacks were 4.3 feet from Locust and 2.5 feet from Willow, so both new setbacks are an improvement over the prior condition.

D. Side yard setbacks of 2.1/3.36 feet where 8/12 feet are required. The

prior setbacks were 2.1/4.49, so one setback will remain the same and the other is being reduced by 1.54 feet.

E. Front steps setback of 2.1 feet where 3 feet are required. This variance is required because of the side of the steps.

F. Building coverage of 58.7% where 25% is permitted. The prior coverage was 60.2%, so this is an improvement over the prior condition.

9. Building height and lot coverage are both within the requirements of the borough ordinance. In fact, the lot coverage will now be 58.7%, which is an improvement over the prior lot coverage of 85.9%.

10. By raising the home, there will now be parking availability for 2 cars on the ground level, where none previously existed.

11. The attic will house the mechanicals, thereby placing them above the flood plain level. There will be no living space on the attic level. Neither will there be a deck on the attic level.

12. The plans submitted by the applicant referred to the attic level as "Family". That is in error and shall be corrected to comply with paragraph 11 above.

13. There was some confusion during the hearing about the height of the structure and whether a

variance would be required. The board is satisfied that a variance will not be required, however, in order to avoid such a situation, the board will place a maximum height on the structure. The home will be built in accordance with the plans submitted, with the understanding that the distance from grade to the peak of the roof may not exceed 40 feet 1 inch, or the maximum height permitted by ordinance, whichever is greater.

14. The applicant's proposal is to use the same footprint as the prior home, but just make the home higher.

15. The concerns raised by the neighbor regarding his chimney and the proximity of the applicant's deck to his house/chimney are construction and/or fire code issues which shall be reviewed by the Construction Official when issuing any building permits.

16. 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.

17. 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 raise his storm-damaged dwelling as a result of his contractor having demolished his home during its being raised. 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.

18. 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 April 3, 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 PRINCE GELPIN to rebuild his single family home 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 and side yard setbacks, setback for front steps and building coverage.

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

A. 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.

B. Elevation plans shall be submitted with the applicant's building permit application.

C. The applicant's plans shall be revised to remove the "family" designation and replace it with "attic".

D. The applicant's plans shall be revised to reflect either a wider garage entry to permit two cars, or an additional garage entry on Willow Street.

E. The height of the structure shall be limited to the greater of 40 feet 1 inch from grade to the peak of the roof or the maximum height permitted by ordinance.

F. The Construction Department is advised to review the plans submitted on the

issue of the proximity of the neighbor's chimney to the applicant's deck and the proximity of the neighbor's structure to the applicants.

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

**ROLL CALL:**

**AYES:** Mr. Kutosh, Mr. Mullen, Mr. O'Neil, Ms. Ziemba

**NAYS:** None

**ABSTAIN:** None

**DATE:** May 1, 2014

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**Carolyn Cummins  
Board Secretary**

I hereby certify this to be a true copy of a Resolution adopted by the Borough of Highlands Zoning Board on May 1, 2014.

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**Board Secretary**