

Mr. Mullen offered the following Resolution and moved on its adoption:
8/7/14

**RESOLUTION APPROVING BULK VARIANCES
FOR WILLIAMS**

WHEREAS, the applicant, ELLEN WILLIAMS, is the owner of a single family residential property at 359 Shore Drive in the Borough of Highlands (Block 103, Lot 9); and

WHEREAS, the applicant filed an application for variance approval to rebuild her home that was substantially damaged during Superstorm Sandy and was demolished; 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 3, 2014; and

WHEREAS, the Board heard the testimony of the applicant, ELLEN WILLIAMS and her builder, CHRIS DELUCCA; and her neighbors, ANTHONY CASTELLITTO and NEAL TABER; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (3 pages);
- A-2 Zoning Officer denial dated 5/14/14 (2 pages);
- A-3 Survey by Charles C. Widdis dated 5/12/03

- A-4 Plot Plan by Matthew R. Martin of Scope Engineering dated 6/25/14
- A-5 Architectural renderings by Fanelli Group Inc. (3 pages)
- A-6 Additional architecturals by Fanelli Group Inc. (34 pages)

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

- B-1 Board Engineer, Robert Keady, review letter dated 6/26/14 (4 pages plus aerial photo);

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, 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, and subsequently demolished.

3. The applicant seeks to construct a new modular dwelling on wood pilings within the same general footprint as the prior dwelling, and comply with the new flood zone requirements.

4. Off-street parking for two vehicles under the structure will be 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. The applicant seeks the following relief:

A. Lot area variance for 3,329.7 square feet, where 5,000 square feet are required; a pre-existing condition.

B. Lot frontage of 28.35 feet where 50 feet are required; a pre-existing condition.

C. Front yard setback of 10 feet where 20 feet are required. The prior dwelling had a 9.1 foot setback, so this is an improvement.

D. Side yard setbacks of 2.91/3.0 feet where 6/8 feet are required (the previous setbacks were -.85/3.5 feet, so the proposal is a significant improvement over the past).

E. Building coverage of 36% when 30% is permitted. The prior dwelling had a 39% coverage, so this is an improvement.

F. Setback for stairs on the side of .74 feet where 3 feet are required. There were no prior side yard stairs.

7. Lot depth, rear yard setback, building height and lot coverage all meet the requirements of the borough ordinance.

8. Because of the narrowness of the lot (28.35 feet), the house, of necessity, must also be narrow. In this case, the proposed structure is only 15.5 feet wide.

9. The old structure encroached on the left side. That encroachment will disappear as a result of the reconstruction.

10. The prior dwelling was a ranch with stone steps. It was not elevated. It had two bedrooms. The entire structure sustained four feet of water during Superstorm Sandy, as a result of which all of the utilities and contents were destroyed.

11. The property previously contained a shed, which has been removed.

12. This house sits back about the same distance from the street as the other homes on the block.

13. One of the neighbors, ANTHONY CASTELLITO, drew to the Board's attention the length of the home as it affected his home. In his questions and testimony it became apparent that he was not familiar with the dimensions, which were very little different from the old structure. He had no major issue with the setbacks, and testified that he was neither for nor against the application.

14. Another neighbor, NEIL TABER, was concerned with his views. Though that is not a reason to deny an application, the Board explored his concerns and determined that if the applicant had simply raised her prior home, next to the CASTELLITO home, the TABERS would not be able to see through those homes in that direction anyway.

15. MR. TABER seemed particularly concerned with the fact that the applicant had voluntarily demolished her home. The Board found such a matter to be irrelevant, since, as with many properties in that area, the home was destroyed during Superstorm Sandy, requiring either substantial renovation or rebuilding.

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. The changes being made to this structure from what previously existed is an improvement to the neighborhood.

18. This is a very narrow lot, and the applicant has presented a plan which is sensible, considering the dimensional difficulties.

19. The Board feels that the applicant has every right to replace her home.

20. 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 rebuild her storm-damaged dwelling as a result of her contractor having advised that it was not prudent to attempt to repair the significant damage. 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.

21. 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 July 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 ELLEN WILLIAMS to rebuild her single family home as set forth on the plans submitted is hereby approved. Accordingly, bulk

variances are granted as set forth in paragraph 6 above for lot area, lot frontage, front yard setback, side yard setback, building coverage and the setback for the stairs on the side.

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. Compliance with FEMA, NJDEP and all other outside agencies and departments.

C. Building elevation is deferred to the Flood Plain Officer.

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

ROLL CALL:

**AYES: Mr. Fox, Mr. Gallagher, Mr. Mullen,
Mr. Braswell**

NAYS: None

ABSTAIN: None

DATE: August 7, 2014

**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 August 7, 2014.**

Board Secretary