

Mr. O'Neil offered the following Resolution and moved on its adoption:

9/4/14

**RESOLUTION APPROVING BULK VARIANCES  
FOR MARKOU**

WHEREAS, the applicant, GEORGE MARKOU, is the owner of a residential property at 36 Shrewsbury Avenue (Block 43, Lots 9 and 9.01); and

WHEREAS, the applicant filed an application for bulk variance relief, seeking to demolish the existing single-family home and construct a new home raised out of the flood plain, and for related bulk variance relief; 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, 2014; and

WHEREAS, the Board heard the testimony of the applicant, GEORGE MARKOU, and his architect and planner, KENNETH FOX; and

WHEREAS, three neighbors, TIM \_\_\_\_\_, KERRY FARRELL, and DOUG CARD, all residents of Shrewsbury Ave., appeared to ask questions regarding the right side yard and the

curbing and street drainage, however none were opposed to the application (if the right side yard setback was increased); and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (2 pages);
- A-2 Zoning Officer denial (2 pages);
- A-3 5/20/14 letter from Freehold Soil Conservation Dist.;
- A-4 Elevation certificate by Frank R. DeSantis dated 2/25/14 reflecting property as being in the VE Zone, which is incorrect. It is in the AE Zone;
- A-5 Survey by Frank DeSantis dated 10/31/13;
- A-6 Architectural plans by Kenneth J. Fox, of Fox Architectural Design, dated 1/22/14 and last revised 5/13/14 (3 pages);
- A-7 Colorized enlargement of Sheet SD3 of Exhibit A-6, on board;

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

- B-1 Board Engineer review letter by ROBERT dated 7/31/14 (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 WT-R (Waterfront Transitional Residential) Zone.

2. The site currently contains a single-family home.

3. The applicant proposes to demolish the existing home and construct a new raised single-family dwelling to comply with the new flood zone requirements.

4. The Board considered a similar application in 2013, by the same applicant, to demolish a storm-damaged structure on the adjoining lot to the north and build a new single-family home. That application was granted, and the new home has been constructed.

5. The subject lot has no garage. The current structure is a 2-story frame dwelling and has a 4.48-foot setback from the right/south side yard.

6. The applicant proposes to square off the bump out on the left/north side toward Shrewsbury Avenue, and do the same in the right/south side to the rear of the home.

7. The proposed internal width of the new home was to be 28 feet; however, the applicant modified his request during the hearing to a width of 27 feet.

8. The "tower" room reflected on the plans is basically a sitting room.

9. This is an undersized lot containing a single-family home, with a jog in the property line to the front left/north side of the lot. This was apparently done to accommodate the garage on the adjoining property to the north. As a result, the lot is irregularly shaped because of the lot being narrower at the front than it is in the middle and rear.

10. There was discussion about the impervious coverage. The applicant's plans indicated existing impervious coverage of 29.13%, which the Board Engineer indicates was incorrect. It was 42.28%. That is not critical, however, since no variance relief is implicated.

11. The front porch will "hide" the air conditioning. The front porch is what results in the additional lot coverage computation.

12. The proposed home will be approximately 300 square feet larger in living space than the existing home.

13. The asphalt at the street line is proposed to be narrowed to 18 feet for a driveway. This will result in the removal of some of the former impervious coverage area.

14. The first floor elevation will be 15.4 feet.

15. The roof drainage is proposed to drain toward the Shrewsbury River, to the east.

16. There was discussion by one neighbor and the Board and Board Engineer regarding whether there should be curbing with an exposed face along Shrewsbury Avenue to improve the water flow. Since neither the Board nor the Board Engineer had information with which to adequately address this issue, the applicant will be required to submit general elevations, which will be reviewed by the Board Engineer administratively to determine whether or not there shall be curbing with an exposed face or some other handling of the front property line. That shall include sidewalk review. Both issues shall be determined by the Board Engineer.

17. During the hearing, as a result of comments by the neighbor to the south, the applicant proposed to amend his plans to move the proposed home 2.5 feet to the left/north (and reduce the width by one foot), resulting in an 8-foot side yard setback on the right/south side. Correspondingly, the applicant requested a change to his plans to make the side yard setback on the left/north side to be no less than 5.5

feet from the property line to the nearest portion of the new home.

18. Many of the structures in the area of the subject were destroyed by Superstorm Sandy, and many of those property owners, as well as others, have sought to raise their homes to come within the new flood zone requirements. The applicant numbers among them. It would be an undue hardship to deny the applicant the ability to rebuild his home above the flood plain.

19. The applicant seeks the following variance relief:

A. Lot Frontage of 44 feet, where 50 feet are required (same as the existing structure).

B. Side yard setbacks of 8 feet on the right/south and 5.5 feet on the left/north, where 8 feet and 12 feet are required.

C. Building coverage of less than 39.32%, where 30% is allowed.

20. The rebuilding of this home with a new home will improve the subject property, as well as the neighborhood. The applicant just rebuilt a home on the lot to the north, which fits well with the neighborhood and is an improvement to the neighborhood. The application, therefore, will both

preserve the neighborhood character, but also clean up the property and improve both the subject property and the neighborhood.

21. The Board finds that the positive criteria required for bulk variance relief under N.J.S.A. 40:55D-70(c) has been met.

22. As to the negative criteria, the Board finds that the bulk variance relief sought can be granted without substantial detriment to the public good or substantially impairing the intent and purpose of the zone plan. The Board further finds that there will be no negative impact on the surrounding properties, nor will any damage be caused to the character of the neighborhood. These findings are also in line with the request and recommendation of the neighbor to the right/south.

WHEREAS, the application was heard by the Board at its meeting on August 7, 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 GEORGE MARKOU to demolish his existing home and construct a new home to be raised out of the flood plain, all as set forth on the applicant's plans be and the same is hereby approved.

Variances are hereby granted for the enumerated bulk variances set forth in paragraph 19 above for lot frontage, side yard setbacks and building coverage;

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

A. The first floor elevation shall be 15.4 feet.

B. The applicant will supply the Board Engineer with general elevations and work with the Board Engineer on the issues of curbing, water flow and sidewalk, all of which shall be done administratively by the Board Engineer.

C. The applicant will provide revised drawings setting forth the changes made at the hearing and as set forth in this resolution.

D. Any damage to the existing pavement, sidewalk or curb shall be repaired or replaced to the satisfaction of the Borough.

E. The applicant shall obtain any required approvals from outside agencies: Flood Plain Officer, NJDEP, Construction Official, and any and all other departments and agencies having jurisdiction.

Seconded by Mr. Knox and adopted on the following roll call vote;



ROLL CALL:

AYES: Mr. Fox, Mr. Knox, Mr. Mullen, Mr. O'Neil, Ms. Ziemba,  
Mr. Braswell

NAY: None

ABSTAIN: None

DATE: September 4, 2014

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Carolyn Cummins, Board Secretary

I hereby certify this to be a true copy of the Resolution  
adopted by the Borough of Highlands Zoning Board at a meeting  
held on September 4, 2014.

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Board Secretary