

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

11/6/14

**RESOLUTION APPROVING BULK VARIANCES  
FOR GERALDINE SEYLAZ**

WHEREAS, the applicant, GERALDINE SEYLAZ, is the owner of a single family residential property at 27 Washington Avenue in the Borough of Highlands (Block 79, Lot 13); and

WHEREAS, the applicant filed an application for variance approval to rebuild her home on a non-conforming lot by raising the building elevation, adding a second story, as well as a porch and staircase; 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 October 2, 2014; and

WHEREAS, the Board heard the testimony of the applicant, GERALDINE SEYLAZ, her daughter and son-in-law, PATRICIA and MANNY CARAMANO, and her builder, THOMAS O'NEIL. No other person appeared to ask questions or object to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (3 pages);
- A-2 Zoning Officer denial and email dated 8/14/14;
- A-3 [NOT USED]
- A-4 Floor plans and survey by Joseph M. Tinley, Jr. dated 7/8/14 (3 pages)
- A-5 9/25/14 survey by Richard Stockton
- A-6 photo

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

- B-1 Board Engineer, Robert Keady, review letter dated 9/24/14 (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-2.01 Zone, in which single-family residences are permitted.
2. The site previously contained a one-level single family residence.
3. The applicant proposes to raise the home (not demolish it) and provide for parking underneath, thereby complying with the new flood plain requirements.

4. The applicant proposes a staircase, which will be enclosed, thereby allowing access in bad weather.

5. The house was built in 1953 by the applicant's father-in-law.

6. The proposed stairs will be on the west side of the home.

7. The two decks will be unroofed in the front.

8. There is currently no parking on the property, but the applicant proposes sufficient space to accommodate two parked vehicles on site after construction.

9. Height is not an issue.

10. Several houses in the immediate area of the subject are being raised as a result of Superstorm Sandy.

11. The footprint of the structure will be basically the same, except for the adding of the staircase and decks.

12. The applicant seeks the following relief:

A. Lot area variance for 3,000 square feet, where 3,750 square feet are required; which is the same as the previous home.

B. Lot frontage of 37.5 feet, where 50 feet are required; which is the same as the previous home.

C. Front yard setback of 7.75 feet, where 20 feet are required; a de minimus change from the prior 7.9 foot setback.

D. Side yard setbacks of 5.75/5 feet, where 6/8 feet are required. The prior dwelling had setbacks of 10.1/5 feet.

E. Building coverage of 38.7% where 33% is permitted. The prior home had coverage of 31.1%.

F. First living level deck front yard setback of .75 feet, where 3 feet are required.

G. Second level front deck setback of 7.75 feet, where 20 feet are required.

13. 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.

14. The fronts and decks of the adjoining houses in both directions are very similar to that proposed by the applicant. The board, however, wants to insure that the applicant does not further encroach on the front setback any more than either of her neighbors.

15. 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 October 2, 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 GERALDINE SEYLAZ to rebuild her single family home as set forth on the plans submitted is hereby approved. Accordingly, bulk variances are granted as requested and set forth in paragraph 12, subparagraphs A through G, for lot area, lot frontage, lot depth, front yard setback, side yard setback, building coverage, first floor deck front setback and second story front yard setback.

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

A. Neither of the front decks shall be any closer to the street than the closest point of her neighbors' on either side, using the neighbors' house and decks, which may negate the approval of para 12F above.

B. The applicant's plans shall be revised to show the distances as required in condition A above.

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

**ROLL CALL:**

**AYE:** Mr. Fox, Mr. Kutosh, Mr. Mullen,  
Mr. Braswell

**NAY:** None

**ABSTAIN:** None

**DATE:** November 6, 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 at a meeting held on November 6, 2014.

\_\_\_\_\_  
Board Secretary