

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

1/15/15

**RESOLUTION APPROVING DESIGN WAIVER AND BULK VARIANCES  
FOR CHRISTOPHER WILLIAMS**

WHEREAS, the applicant, CHRISTOPHER WILLIAMS, is the owner of a single family residential property at 70 Barbarie Avenue in the Borough of Highlands (Block 80, Lot 5.01); and

WHEREAS, the applicant filed an application for a design waiver to add a second driveway bulk variance relief for all pre-existing conditions; 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 December 4, 2014; and

WHEREAS, the Board heard the testimony of the applicant, CHRISTOPHER WILLIAMS, and his engineer/planner, BRIAN MURPHY. 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 letter and email dated 10/9/14

and 10/15/14 respectively;

A-3 5/8/14 survey by Frank R. DeSantis;

A-4 Variance map prepared by Brian P. Murphy, P.E. dated 9/22/14.

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

B-1 Board Engineer, Robert Keady, review letter dated 11/26/14 (3 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 zone only one driveway is permitted under section 21-65.5.C.2 of the borough ordinances.

2. The site contains a single family residence which has been raised to comply with the new flood elevations, and has a garage underneath.

3. There is an existing gravel driveway to the right/east side of the property. The proposed new driveway will be a concrete, on the left/west side of the property.

4. There is no curb cut now for the second driveway, but one will be created.

5. A full-faced curb of approximately 6 feet in length is proposed between the two driveways.

6. No change to the footprint of the structure is proposed.

7. The property currently has space for two parking spaces. The new proposal is for a total of three parking spaces, which includes the parking under the structure.

8. The sidewalk portion, including across the driveway, of this project will be ADA compliant.

9. The applicant seeks variance relief for all of the following pre-existing conditions:

A. Lot area of 3,500 square feet, where 3,750 square feet are required;

B. Lot frontage of 45.67 feet, where 50 feet are required; which is the same as the previous home.

C. Front yard setback of 2.4 feet, where 20 feet are required;

D. Side yard setback of 1.8/28.6 feet, where 6/8 feet are required.

E. Side yard setback for accessory structure (a shed) of 2 feet, where 3 feet are required.

F. Rear yard setback of 2.9 feet, where 3 feet are required.

10. The raising of this residential structure in accordance with the new flood zone requirements has

improved the subject property, making it safer. It also improves the neighborhood. The application also preserves the neighborhood character.

11. This is a relatively *de minimus* application, since the applicant does not seek any changes to the existing footprint of the home but, rather, only to add a second driveway. Because of the unavailability of sufficient street parking in the borough, the providing of an additional parking space on the property improves the overall parking situation in the borough and in this neighborhood in particular.

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.

13. This application meets the requirements of N.J.S.A. 40:55D-70c(2), as the purposes of the Municipal Land Use Act will be advanced by the design waiver for the parking, and the benefits of the deviation substantially outweigh any detriment.

WHEREAS, the application was heard by the Board at its meeting on December 4, 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 CHRISTOPHER WILLIAMS to add a second driveway, as reflected in his plans and testimony, is hereby approved. Additionally, bulk variances are granted as requested and set forth in paragraph 9, subparagraphs A through F for all of the pre-existing conditions set forth therein (i.e., lot area, lot frontage, front yard setback, side yard setback, and accessory structure setbacks).

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

A. The sidewalk portion of the project shall be ADA compliant.

B. Any damages to the existing pavement, sidewalk and curb shall be repaired or replaced to the satisfaction of the borough.

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

**ROLL CALL:**

**AYE:** Mr. Kutosh, Mr. Knox, Mr. Mullen

**NAY:** None

**ABSTAIN:** None

**DATE:** January 15, 2015

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Carolyn Cummins,

I hereby certify this to be a true copy of a Resolution adopted by the Borough of Highlands Zoning Board adopted on January 15, 2015.

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Board Secretary