

5/7/15

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

**RESOLUTION APPROVING BULK VARIANCES
FOR O'NEIL**

WHEREAS, the applicants, WAYNE and PATRICIA O'NEIL, are the owners of a single family residential property at 27 Ocean Avenue in the Borough of Highlands (Block 99, Lot 25); and

WHEREAS, the applicants filed an application for variance approval to elevate and relocate their dwelling to increase the front setback by 10 feet and allow for an access stairway and off-street parking; 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 2, 2015 and

WHEREAS, the Board heard the testimony of both owners, WAYNE O'NEIL and PATRICIA O'NEIL. No other persons appeared in opposition or to ask questions regarding this application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (3 pages);
- A-2 Zoning Officer denial dated 2/17/15 (2 pages);
- A-3 Elevation certificate by STEVEN D. PARENT dated 11/19/13 (4 pages);

- A-4 Portion of survey (no date or preparer shown);
- A-5 Foundation replacement plan by SALVATORE LA FRELITA dated 11/24/14;
- A-6 6 Photographs sub-lettered (a) through (f);

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

- B-1 Board Engineer, Robert Keady, review letter dated 3/26/15 (5 pages plus aerial photo);

AND, WHEREAS, the Board, after considering the evidence and testimony, has made the following factual findings and conclusions:

1. The applicants are the owners of property located in the R-2.03 Zone, in which single-family residences are permitted.

2. As a result of Superstorm Sandy and FEMA regulations, the applicants seek to elevate their home and relocate it 10 feet further back on the lot, with an access stairway and off-street parking.

3. Off-street parking for two vehicles will now be provided on the site, whereas no off-street parking was previously provided.

4. The footprint of the raised structure will be the same as the existing structure.

5. The applicant seeks the following relief:

A. Lot area variance for 2,500 square feet, where 5,000 square feet are required; a pre-existing condition.

B. Lot frontage of 25 feet where 50 feet are required; a pre-existing condition.

C. Side yard setbacks of 3.5/3.5 feet where 6/8 feet are required, a pre-existing condition.

D. Building coverage of 38.9% when 30% is permitted. A pre-existing condition.

6. Lot depth, front and rear yard setbacks, building height and lot coverage all meet the requirements of the borough ordinance.

7. By moving the house further back on the lot, the home will be brought into compliance from the front yard setback, which will now be almost twice the setback as previously existed, an improvement to the property.

8. 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.

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

10. 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 2, 2015, 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 WAYNE and PATRICIA O'NEIL to elevate and relocate their home back 10 feet and allow for an access stairway and off-street parking, as shown on their plans, is hereby approved. Accordingly, bulk variances are granted as set forth in paragraph 5 above for lot area, lot frontage, side yard setback 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. Compliance with FEMA, NJDEP and all other outside agencies and departments.

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

ROLL CALL:

AYE: Mr. Kutosh, Mr. Mullen, Ms. Pezzullo,
Ms. Ziemba

NAY: None

ABSTAIN: None

DATE: May 7, 2015

Carolyn Cummins, Board Secretary

I hereby certify this to be a true copy of the O'Neil resolution adopted by the Borough of Highlands Zoning Board on May 7, 2015.

Board Secretary