

Mr. Kutosh offered a motion and moved on the memorialization of the following Resolution:

7/2/15

**RESOLUTION APPROVING BULK VARIANCES
FOR DIGALETOS**

WHEREAS, the applicant, JOHN DIGALETOS, is the owner of a single family residential property at 2 Seadrift Avenue in the Borough of Highlands (Block 77, Lot 9.01); and

WHEREAS, the applicant filed an application for variance approval to construct a new single-family dwelling with a covered deck in the front and a rear open deck on a smaller footprint than his prior dwelling, which was substantially damaged during Superstorm Sandy; 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 June 4, 2015; and

WHEREAS, the Board heard the testimony of the applicant, JOHN DIGALETOS and his brother, MARINO DIGALETOS. 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 permit application with denial by Zoning Officer dated 12/29/14;
- A-3 survey by Frank R. DeSantis dated 12/3/13;
- A-4 Architectural plans by Robert Gorski dated 10/21/14, last revised 12/6/14 (3 sheets);
- A-5 Unsigned construction plans last revised 11/13/14 (8 pages)
- A-6 Architectural plans by Robert Gorski dated 10/21/14, last revised 6/1/15.

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

- B-1 Board Engineer, Robert Keady, review letter dated 4/30/15 (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 single family residence, which home was substantially damaged during Superstorm Sandy in October 2012.

3. The applicant has already obtained construction permits and has completed the bulk of the construction of his new home. During construction,

the applicant decided he would like to add a secondary deck, which addition prompted the need for variance relief.

4. The reason for marking two sets of architectural plans (A-4 and A-6) was because of the many errors made in the architect's mathematical computations. Also, the second exhibit (A-6) was not supplied to the Board or its engineer until the night of the hearing, as a result of which the Board Engineer's review letter did not have the benefit of the later-revised architectural plans.

5. Because the applicant is requesting a second story deck, a building coverage variance is implicated.

6. The new structure is actually shorter in depth than the prior home.

7. Off-street parking for at least two vehicles is provided, so no parking variance is required.

8. The applicant is raising the structure in order to comply with the new flood zone requirements.

9. The footprint of the structure will be similar, yet smaller, than the prior home, plus it is being centered on the lot, rather than so close to the

side line, as was the prior home. The Board finds this to be a significant improvement.

10. The applicant seeks the following relief for the conditions noted, all of which are the same as the prior home:

A. Lot area variance for 1,750 square feet, where 3,750 square feet are required; which is the same as the previous home.

B. Lot frontage of 25 feet, where 50 feet are required; which is the same as the previous home.

C. Lot depth of 70 feet, where 75 feet are required; which is the same as the previous home.

D. Front yard setback of 10 feet, where 20 feet are required; which is the same setback as the previously approved home.

E. Side yard setbacks of $3/4$ feet, where $6/8$ feet are required; which are the same setbacks as the previously approved home.

11. In addition, the applicant seeks variance relief for the following:

F. Building coverage of 39.77% where 33% is permitted; the prior approved home had coverage of 32.9%.

G. Front yard setback for the second story front deck of 10 feet, where 20 feet are required.

H. Side yard setbacks for the second story front deck of $3/4$ feet where $6/8$ feet are required.

I. Front yard setback for the first story front deck of 10 feet, where 20 feet are required.

J. Side yard setback for the first story front deck of 3/4 feet, where 6/8 feet are required.

12. The raising of this residential structure in accordance with the new flood zone requirements has improved the subject property, made it safer, and also improved the neighborhood. This application will also preserve the neighborhood character.

13. 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 his storm-damaged dwelling. 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.

14. 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 June 4, 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 JOHN DIGALETOS to rebuild his 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 10, subparagraphs A through E for preexisting conditions of lot area, lot frontage, lot depth, front yard setback and side yard setbacks, as more specifically set forth in those paragraphs. In addition, variance relief is granted for building coverage, front and side yard setbacks for the second story front deck, and front and side yard setbacks for the first story front deck, as set forth in paragraph 11, subparagraphs F through J.

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. Applicant shall verify with NJDEP (i.e., he may be eligible for a NJDEP permit

by rule), and obtain any and all necessary permits.

C. Review of the building elevation is deferred to the Flood Plain Officer.

D. There shall be ADA compliance for the sidewalk and driveway apron.

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: July 2, 2015

Carolyn Cummins,
Board Secretary

I hereby certify this to be a true copy of a resolution adopted by the Governing Body of the Borough of Highlands on July 2, 2015.

Board Secretary