

USE VARIANCE
AGENCY RENT A CAR, INC.
BLOCK: 673
LOT: 8
ZONE: B-3
HOOPER AVENUE

RESOLUTION OF APPROVAL
BOARD OF ADJUSTMENT, TOWNSHIP OF BRICK

Case #BA-1520

October 16, 1991

WHEREAS, an application has been made by Agency Rent A Car, Inc. for the granting of a Use Variance pursuant to N.J.S.A. 40:55D-70D for Block 673, Lot 18 as set forth on the Tax Maps of, the Township of Brick; and

WHEREAS, the applicant will also need the following variances from provisions of Section 190-153.

1. Minimum Lot Area shall be two (2) acres.
2. If adjacent to a residential zone, a buffer area shall be provided in accordance with the buffer requirements of the B-3 Zone.

Agency-Rent-A-Car
D. Smith
Mackevich
Building
Zoning
Owen
Shea

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WHEREAS, the Brick Township Board of Adjustment has considered the application for the Use Variance and variances as set forth above and received input from its professional staff, the Board of Adjustment does hereby make the following findings of fact:

A. The applicant has a proprietary interest in the property.

B. The use proposed by the applicant is a conditional use under the Zoning Ordinances of the Township of Brick.

C. The applicant has requested approval in accordance with the Ordinances of the Township of Brick and the Land Use and Development Regulations of the State of New Jersey.

D. The subject site is located in the B-3 Zone.

E. The applicant has entered into lease to utilize store #10 in Building B of the shopping center located at 2796 Hooper Avenue, tax map 39, and commonly known as the Brick Mall.

F. The rental office of the applicant is essentially an office for rental of cars. Agency Rent A Car, Inc. is engaged in the insurance replacement market, for example it rents its cars to persons who require a temporary car because their principal vehicle has been damage or stolen.

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G. The representations made by the applicant at the time of the hearing was that virtually all of the Agency's customers were contacted by telephone and the applicant employs tow trucks and other methods to deliver its rental cars directly to its customer's homes or offices.

H. It was represented by the applicant that Agency does not store large numbers of cars at its site and the current applicant contemplates the need for only seven (7) specifically designated parking spots to take care of both the rental cars and its employee, typically only 2 to 3 at the facility.

I. The applicant, through Mr. Timothy Dearth, District Manager for Agency Rent A Car, Inc., represented that there will be approximately one (1) Manager and two (2) Manager Trainees at the office at most and any given time.

J. It was represented that only seven (7) parking spaces would be needed by the applicant, four (4) of which would be utilized for parking of rental vehicles and three (3) for employees.

K. The owner of the Brick Mall, Mr. Peter Trahanas, also testified relative to the applicant and indicated that he had received site plan approval for this site quite some time ago, that evidently one hundred nineteen (119) parking spaces were approved totally. He also represented that there was approximately fifty (50%) percent of the parking spaces currently used.

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L. The applicant represented that approximately seven (7) specific parking spots would be acceptable to him and he would agree to delineate and designate the same for parking purposes. He also represented that there was very slow activity within the mall and that there were numerous parking spaces available at a regular basis. He felt that this use would not greatly impact upon the parking and certainly would be a benefit to the mall. The Lease Agreement was entered into evidence as A-4 and is incorporated herein by reference.

M. The members of the Brick Board of Adjustment after due consideration of the testimony of the applicant and the owner of the mall, as well as receiving input from its Professional Staff, concluded the following:

1. There appears to be no substantial problem with the parking on this particular location.
2. If no adequate lighting is present in the back of the building, then the applicant should be required to provide same based upon the recommendation of the Board of Adjustment Engineer.
3. There should be security lights of some type placed in the back, pursuant to the recommendation of the Brick Board of Adjustment Engineer.

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4. It should be noted that the variances that are being granted extends only to the tenant that is before this Board and does not apply to any other tenant which intends to utilize the above site.

5. There would not be a generation of any more traffic on this particular site.

N. The applicant, during the course of its testimony, represented that the proposed Use Variance as requested, is in keeping with the area and the neighborhood. The applicant further testified throughout its hearing that it believes the granting of the Use Variance as set forth above would, in no way, be detrimental to the public good and, in fact, be a direct benefit to the area. The Brick Township Board of Adjustment concurs with these representations and so finds.

O. The granting of the variances will not have a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinances of the Township of Brick.

NOW, THEREFORE, be it Resolved by the Board of Adjustment of the Township of Brick that the Board of Adjustment does hereby grant and approve the Use Variance for Block 673, Lot 8 as set forth on the Tax maps of the Township of Brick subject, however, to the following conditions:

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1. The Board should consider a stipulation that on-site vehicle maintenance, repairs or fueling be prohibited.
2. Approval from any other local, County, State or Federal regulatory agencies having jurisdiction over this project.
3. All conditions as set forth in paragraph M of the within Resolution.

RCS/ag
10/2/91

ROLL CALL VOTE

Moved by: S. Szucs

Seconded by: R. Graham

Affirmative Vote: M. Powner, B. Kelly, A. Marchetti, S. Szucs,
C. Patetta, R. Graham, D. Jayne

Negative Vote:

Abstaining:

Absent: S. Acropolis, T. Steinbacher

CERTIFICATION

I, CHRISTINE PAPA, Clerk, Board of Adjustment of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify that the foregoing Resolution was duly passed by the said Board of Adjustment of the Township of Brick at a meeting held on this 16th day of October, 1991.


CHRISTINE PAPA, Clerk
Brick Township Board of Adjustment