

# **BRICK, TOWNSHIP OF (PLANNING AND ZONING DEPT.)**



LDS BR 10601696

R E S O L U T I O N

BOARD OF ADJUSTMENT, TOWNSHIP OF BRICK

WHEREAS, Harry W. Jones has  
(Appellant) (Applicant)

has applied to the Board of Adjustment of the Township of Brick for permission to erect a single family dwelling on an under-sized lot irregular in shape. Applicant requests relief from the bulk, lot depth and rear setback requirements of the zoning ordinance

at premises located at 439 Harper Avenue  
Township of Brick and known as Block 1069.89 Lot(s) 1, 2 & 3  
on the Tax Map of the Township of Brick. Which premises are in a  
R-7.5 zone; and

WHEREAS, the Board after carefully considering the evidence presented by the applicant and of the adjoining property owners and general public, has made the following factual findings:

- 1) The applicant purchased the subject property at the Township land auction by deed dated October 4, 1984;
- 2) The applicant proposes to construct a single family home on the subject property;
- 3) The subject property has a lot area of 3,900 square feet; 9,000 square feet being required by the zone;
- 4) The applicant proposes to build a home of 540 square feet having one (1) bedroom;
- 5) Granting a variance to build on the property would be an extreme stretching of the zone scheme and would violate the character and development scheme of the neighborhood;
- 6) The area and house are too minimal to continue the neighborhood pattern.

WHEREAS, the Board has determined that the relief requested by the applicant (~~can~~) (cannot) be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Brick;

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Brick on this 16th day of January, 1985, that the application of Harry W. Jones be  
~~(denied)~~ (denied) subject, however, to the following conditions:

Pursuant to the paragraph 44A-22 of the Ordinances of the Township of Brick, entitled Expiration of Variances: Any variance from the terms of this ordinance hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within nine (9) months from the date of the entry of the judgement or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the governing body or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding. Any construction commenced within the nine (9) month period provided for in this section shall be complete within eighteen (18) months of the date of entry of the judgement of the Board of Adjustment; except, however, that the running of the period of limitation shall be tolled from the date of the filing of the appeal from the decision of the Board of Adjustment to the governing body or to a court of competent jurisdiction, until the termination, in any manner, of such appeal or proceeding.

APPLICANT: HARRY W. JONES

Applicant's attention is also directed to paragraph 44A-36 of the Ordinances of the Township of Brick and the applicant should be made aware that there is a continuing duty on the part of the applicant, subsequent to the granting of the variance to maintain the municipal taxes in order to obtain a building permit and Certificate of Occupancy thereafter of the structure to be erected, herein approved.

Subject, however, to the following conditions:

ROLL CALL VOTE

Moved By : Mrs. Kelly  
Seconded By : Mr. Petoia  
Those In Favor: Messrs. Underwood, Lancellotti, Petoia, Laura, Leahy,  
Those Absent : None Mrs. Fox & Mrs. Kelly  
Those Opposed : None  
Those Not Voting: Messrs. Liddy & Sramowicz

CERTIFICATION

I, Denise C. Rudnicki, Clerk to the Board of Adjustment of the Township of Brick, County of Ocean, 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 Regular meeting held on the 16th day of January, 1985.

Denise C. Rudnicki  
Denise C. Rudnicki, Clerk  
Brick Twp. Board of Adjustment

January 17, 1985  
Date