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APPLICANT: ANH N. BUI
APPLICANT'S ATTORNEY: PRO SE
APPLICATION NUMBER: 93#16
BLOCK(S): 209
LOT(S): 26
RESOLUTION NUMBER: 93#29

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF NEPTUNE**

APPROVAL OF BULK VARIANCE(S)

Dr. West offered the following resolution, moved and seconded by Mr. Lee; and,

WHEREAS, ANH N. BUI (hereinafter referred to as the "applicant"), filed an application with the Zoning Board of Adjustment of the Township of Neptune) hereinafter referred to as the Board") seeking the following:

Variance to permit the construction of an attached garage to the side of the house and a one-story addition to the rear of the house with side yard set backs of 6 feet and 4.22 feet where 10 feet is required.

WHEREAS, the application pertains to the premises designated as Block 209, Lot 26, on the Tax Map of the Township of Neptune, which said premises is located at 1410 Eighth Avenue, in the Township of Neptune, New Jersey (hereinafter referred to as the "premises"); and

WHEREAS, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

WHEREAS, the Board held public hearing(s) with regard to the referenced application on July 7, 1993; and

WHEREAS, the Board having given due consideration to the exhibits moved into evidence and the testimony presented at said hearing(s), does hereby make the following findings of fact:

- (1) The premises are located in the R-5 zone.
- (2) The applicant desires to construct a new garage to the side of the home to replace a free standing garage in the rear of same which was destroyed by the winter storms.
- (3) The applicant will also construct an addition to the rear of the home for a family room.
- (4) The applicant is in need of additional living space because the size and needs of her family are growing.
- (4) There is no land available adjacent to the subject premises to expand the size of same.
- (5) The rear addition will follow the lines of the home and not be a farther encroachment into the side yard set back of the west side of the property.
- (6) The addition will have the same look and facade as the existing house on the site of the house and addition will be upgraded to match.
- (7) There is no other location on the site to expand the existing house without a variance because of the interior layout and design of the house as well as the existing driveway.
- (8) The proposed location of the addition and demolition of the old garage will give the applicant a greater back yard.

(9) The new construction will be a benefit to the adjacent property owners since the property will be upgraded.

(10) There are may homes in the area with minimal side yard set backs and the proposed construction will conform to the neighborhood and not be detrimental to the surrounding properties.

(11) The relocation of the garage will permit the use of same during inclement weather and provide an added convenience and well as safety factor to the applicant.

(12) No one appeared in opposition.

NOW, THEREFORE, BE IT RESOLVED by the Board that it adopts the aforesaid findings of fact, and specifically makes the following conclusions:

(1) Based upon the aforesaid findings of fact, the Board concludes that:

(A) The applicant has established and demonstrated that the premises are of such exceptional size or shape, and/or are so uniquely effected by exceptional topographic or physical features and/or are so uniquely effected by extraordinary and exceptional circumstances that the strict application of the zoning regulation would result in exceptional practical difficulties and/or exceptional or undue hardship; and

(B) The applicant has demonstrated that the purposes of the Municipal Land Use Law and the land use ordinances of the Township of Neptune would be advanced by the deviation from the

zoning ordinance requirements at issue, and further that the benefits of any deviation would substantially outweigh any detriment resulting from a grant of the application.

(2) Based upon the aforesaid findings of fact, the Board further concludes that granting the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan.

BE IT FURTHER RESOLVED by the Board that the following variance(s) be and are hereby granted:

(1) Variance to permit the construction of an attached garage to the side of the house and a one-story addition to the rear of the house with side yard set backs of 6 feet and 4.22 feet where 10 feet is required.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS;

(1) Applicant shall comply with any requirements established by, and obtain any necessary approvals of the following if applicable to the proposed construction herein:

- (A) Monmouth County Planning Board;
- (B) New Jersey Department of Transportation;
- (C) Fire Marshall;
- (D) Township Engineer;
- (E) Board of Health;
- (F) Township Sewer Authority;

(G) Soil Conservation and Sediment Control approvals and permits; and

(2) Subject to the applicant complying with any and all Federal, State, County and local laws, rules and regulations affecting or pertaining to the development or use of the site.

ROLL CALL VOTE

THOSE IN FAVOR: Noack, Ruby, Giotta, West, Shelley, Lee

THOSE OPPOSED: Mazuk

ABSENT: Williams

ABSTAINED: Loperfido

MEMORIALIZATION VOTE

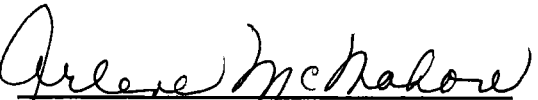
THOSE IN FAVOR: Ruby, Lee, West, Noack, Shelley, Giotta

THOSE OPPOSED: None

ABSENT: None

ABSTAINED: None

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Neptune, at its meeting on July 7, 1993, and memorialized on August 4, 1993.


ARLENE MC MAHON,
Administrative Officer
Zoning Board of Adjustment
of the Township of Neptune

DATED: August 5, 1993