

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10504243

Bulk Variance
Burr
155 Walter Road
Block 1170.07, Lot 7
Zone: R-7.5
Application No. BA-2391-C-11/04

RESOLUTION OF APPROVAL
BRICK TOWNSHIP ZONING BOARD OF ADJUSTMENT
APPLICATION NO. BA-2391-C-11/04
February 16, 2005

WHEREAS, Wayne Burr, (the "applicant"), having a mailing address of 155 Walter Road, Brick, New Jersey 08724, has applied to the Brick Township Zoning Board of Adjustment (the "Board") for variance approval pursuant to N.J.S.A. 40:55D-70(c); and

WHEREAS, proof of service as required by law upon appropriate property owners and governmental bodies has been furnished and determined to be in proper order; and

WHEREAS, a public hearing was held on February 2, 2005, in the municipal building, at which time testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard; and

WHEREAS, the Board makes the following factual findings and findings of law:

- 1. This property is designated as Block 1170.07, Lot 7 on the municipal tax map.
- 2. The property is located in the R-7.5 zone.
- 3. The following variances have been applied for:

<u>Item</u>	<u>Required</u>	<u>Provided</u>
combined side yard	15 feet	11.7 feet
front yard setback	25 feet	23.6 feet (existing)
minimum side yard setback	6 feet	5.1 feet on easterly property line (existing)

*file
App.
A. Eng.
Fitzsimmons
Olson
Bleding
Zoning*

	minimum side yard setback (accessory structures)	5 feet	0 feet (existing)
--	--	--------	-------------------

- 4. C.M.E. Associates prepared a report to the Board dated December 15, 2004. The Board adopts the findings in that report and incorporates that document in this Resolution by reference.
- 5. Applicant seeks approval to construct a 450 square foot addition to an existing 1,100 square foot single-family home. The addition will consist of a one-car garage and a 90 square foot covered porch. The applicant testified that the garage will give him the ability to park his convertible and motorcycle in a covered area and to provide additional storage area. If approved, he will remove an existing shed which is located on the easterly property line. He will also relocate an existing shed from its present location (where the proposed garage is to be built) to a conforming location in the rear yard of the property.
- 6. The Board finds that the variances relating to minimum front yard setback and minimum side yard setback of the dwelling on the easterly property line are existing conditions, and finds that these conditions are not exacerbated by the proposed development on this site. The Board finds that the applicant's agreement to remove the existing shed (located immediately on the easterly property line) will enhance the site and the adjacent lot to the east. The Board finds that granting a variance to permit a combined side yard setback of 11.7 feet with a 6.6 foot setback on the westerly property line where the garage is to be located is reasonable and will not adversely impact the neighboring properties. The Board noted that there were no objectors to the application.

February 16, 2005

7. The Board further finds that the proposed development will be pleasing to the neighborhood, provide an enclosed storage area, will not be a detriment to the public good and will not substantially impair the intent and purpose of the municipal zoning ordinance and master plan.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Zoning Board of Adjustment on this day of February, 2005, that the decision of the Board at its meeting of February 2, 2005 be memorialized, and that this application be approved subject to the following conditions:

1. Applicant shall comply with standard Zoning Board of Adjustment conditions as set forth on attached Schedule "A".
2. Applicant shall submit a revised plot plan to: (a) reflect the removal of one shed and relocation of the other shed; (b) show the location of the proposed concrete driveway; and (c) by way of note, indicate that roof drainage shall be directed to the street.
3. Applicant shall comply with all terms and conditions proposed in the report of C.M.E. Associates, dated December 15, 2004. In particular, the applicant shall comply with item 5B of that report to ensure that water runoff shall not be directed onto neighboring properties.

MOVED BY: C. Jones

SECONDED BY: D. Toth

VOTING IN THE AFFIRMATIVE: C. Jones, T. Leahy, Wm. Chandler,

D. Toth, F. Pannucci, & J. Rentschler

VOTING IN THE NEGATIVE: _____

February 16, 2005

INELIGIBLE TO VOTE: _____

ABSTAINING: _____

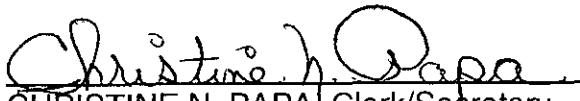
ABSENT: _____ D. Raftery & J. Deckelnick _____

NOT Voting.) : J. Osborn (ALT) _____

CERTIFICATION

I, CHRISTINE N. PAPA, Clerk/Secretary to the Zoning Board of Adjustment of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that this resolution was adopted by the Zoning Board of Adjustment of the Township of Brick at a regular meeting held on the 16th. day of February, 2005.

IN WITNESS WHEREOF, I have set my hand this 16th. day of February, 2005.


CHRISTINE N. PAPA, Clerk/Secretary
Brick Township Zoning Board of Adjustment

BRICK TOWNSHIP ZONING BOARD OF ADJUSTMENT

SCHEDULE "A"

1. Applicant shall provide the Board with documentation that all real property taxes have been paid through the calendar quarter of the date of the resolution of approval.
2. Applicant shall obtain signed documentation from the Code Enforcement Officer, Construction Official and Township Engineer certifying compliance with all terms and conditions of this resolution.
3. Applicant shall apply for and obtain all necessary permits and approvals from the Township Building Department prior to commencing any construction or renovation work.
4. No construction permit shall be issued by the Township until all application, escrow and professional fees ("required fees") have been paid to the Board, and confirmation has been obtained from the Board Secretary that the required fees have been paid. In the event a construction permit is issued when any fees remain due to the Board, the permit shall be automatically suspended, and all work shall cease and terminate until the required fees have been paid.
5. Applicant shall post, file or pay all required performance bonds, maintenance guaranties, engineering fees and inspection fees.
6. Applicant shall apply for and obtain approvals from all other municipal, county, state and federal agencies having regulatory jurisdiction over this application.
7. If applicant has asserted that the improvements referred to in this resolution are the subject of a permit by rule or waiver of the Department of Environmental Protection of the State of New Jersey ("NJDEP"), then applicant shall provide the Board with documentation demonstrating compliance with NJDEP rules and regulations.
8. In the event there is an existing violation of any municipal rule, regulation or ordinance, applicant shall have 30 days from the date of the resolution of approval to correct the violation. Failure to correct the violation within this time period shall constitute reasonable cause for the issuance of a summons and complaint to the applicant or other responsible parties.
9. All testimony, stipulations of the applicant, stipulations of the applicant's representatives, exhibits marked into evidence, and deliberations of the Board are incorporated in this resolution by reference, and to the extent that the foregoing impose additional or more detailed conditions of approval than those contained elsewhere in this resolution, such conditions of approval are adopted as if set forth at length herein and are incorporated in this resolution by reference.