

Bulk Variance
Roberts
300 6th Avenue
Block 15.05, Lots 30-32
Zone: R-5
Application No. BA-2857-C-10/13

RESOLUTION OF APPROVAL
BRICK TOWNSHIP ZONING BOARD OF ADJUSTMENT
APPLICATION NO. BA-2857-C-10/13
January 8, 2014

WHEREAS, Mark Roberts and Barrie Roberts (the "applicants"), having a mailing address of 726 Albemarle Street, Wyckoff, NJ 07481, have 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 December 11 2013, in the municipal building, at which time testimony and exhibits were presented on behalf of the applicants 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 15.05, Lots 30-32, on the municipal tax map.
2. The property is located in the R-5 zone.
3. Based upon the application submitted, any amendments or modifications thereto and the testimony of the applicant and applicant's witnesses, the following bulk variances have been requested:

<u>Item</u>	<u>Required</u>	<u>Provided</u>
Lot area (corner)	6,000 sf	4,512 sf
Lot width	50 ft.	47.5 ft.
Front setback (6 th Ave)	20 ft.	16.6 ft.
Front setback (West Central Ave)	20 ft.	15.1 ft.

File
Roberts
Carr
CME
Weiner/Kennick
Building
Zoning

4. Owen, Little & Associates, Inc. prepared a report to the Board dated November 4, 2013. The Board adopts the findings in that report and incorporates that document in this resolution by reference.
5. Barrie Roberts testified that the existing home was damaged by Tropical Storm Sandy. The house is proposed to be raised to meet FEMA requirements. The existing foundation is being used. The lot is undersized and is a corner lot requiring two front setbacks. Applicants are using the same foundation as the damaged house. However, applicants have actually increased the setbacks from both streets.
6. Applicants were advised that the driveway does not meet RSIS requirements regarding size. Applicants require two off-street parking spaces. One parking space is provided in the garage. Applicants have agreed to extend the driveway along the south side of the garage in order to accommodate an additional parking space. The total length of the driveway must be at least 20 feet.

It was also noted by the Board that a 4-foot vinyl fence is located within the right-of-way of West Central Avenue. Applicants have agreed to remove that fence. Applicants have also agreed to consolidate the lots.

7. No objectors appeared in opposition to this development application.
8. The Board finds and determines:
 - a. Applicants propose to construct a new home on the existing foundation to replace the home that was destroyed by Tropical Storm Sandy. The home will contain three bedrooms.
 - b. Due to the exceptional narrowness of the lot as well as the fact that it is located on a corner requiring two front setbacks, applicants have met the positive criteria for a bulk variance.

- c. Applicants' proposal to construct a new house to replace the damaged one will enable applicant to meet FEMA flood elevation requirements, thereby making the house safer.
- d. The house itself is compatible with other houses in the area.
- e. The proposed development will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of the municipal zoning ordinance and master plan, and will not be a detriment to the neighborhood.
- f. The proposed development will provide adequate air, light and open space for this site and neighboring properties.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Zoning Board of Adjustment on this 8th day of January, 2014, that the decision of the Board at its meeting of December 11, 2013 be memorialized, and that this application be approved subject to the following conditions:

- 1. Applicants shall comply with standard Zoning Board of Adjustment conditions as set forth in attached Schedule "A".
- 2. The architectural plans shall be revised to provide building eave, mean and peak heights and elevations which must be consistent with the plot plan.
- 3. Applicants shall extend the driveway along the south side of the proposed garage in order to provide for a driveway that is at least 20 feet in length.
- 4. Applicants shall remove the 4-foot vinyl fence which is located within the right-of-way of West Central Avenue.
- 5. Applicants shall be required to prepare a Deed of Consolidation to consolidate Block 15.05, Lots 30-32 into one lot to be known as Block 15.05, Lot 30. A copy of the proposed Deed shall be submitted to the Board Attorney for review. Upon acceptance by the Board Attorney, the Deed shall be recorded in the Ocean County Clerk's office and a copy

January 8, 2014

of the recorded Deed shall be provided to the Zoning Board of
Adjustment Secretary.

January 8, 2014

VOTE ON MEMORIALIZATION

MOVED BY: D. Liberatore

SECONDED BY: F. Mizer

VOTING IN THE AFFIRMATIVE: D. Liberatore, F. Mizer,

E. Della Volle, H. Langer

VOTING IN THE NEGATIVE:

INELIGIBLE: D. White, J. Grenier, J. Morrell, M. Iannarone

IN-CONFLICT:

Absent:

ABSTAINING:

NOT VOTING : D. Raftery

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 regular meeting held on the 8th day of January, 2014.


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.
10. This development approval shall be null and void unless Applicants obtain a construction permit from the municipality and commence work under the permit within two years from the date of this Resolution.
11. Applicant shall comply with all ordinances, rules, regulations, statutes and other provisions concerning the provision of Affordable Housing Units in the municipality and/or the payment of fees imposed by the Township or the State of New Jersey.