

3/7/19

**RESOLUTION APPROVING BULK VARIANCES
FOR ARJIKA PROPERTIES, INC. AT 17 FOURTH STREET**

WHEREAS, the applicant, ARJIKA PROPERTIES, INC. is the owner of a home at 17 Fourth Street, Highlands, New Jersey (Block 58, Lot 11) and has filed an application to complete construction of a new 2-story elevated single family home with a covered front porch; and

WHEREAS, all jurisdictional requirements have been met, and proper notice has been given pursuant to the Municipal Land Use Law and Borough Ordinances, and the Board has jurisdiction to hear this application; and

WHEREAS, the Board considered the application at a public hearing on February 7, 2019; and

WHEREAS, the Board heard testimony from the applicant's builder, CHRIS RUBY; and

WHEREAS, no persons appeared to ask questions or object to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Zoning Permit application and denial by Edward Herrman dated 11/1/18
- A-2 Variance application (2 pages)
- A-3 Topographical Land Survey by Thomas Finnegan dated 6/13/18
- A-4 Grade Level & First Floor Plans by Grammer dated 6/25/18 (2 sides)
- A-5 picture of 25 4th St-uncovered front deck
- A-6 picture of 17 4th St-uncovered front deck
- A-7 picture of 25 4th St-uncovered deck

A-8 picture of 61 4th St-covered deck

AND, WHEREAS, the following exhibit was also marked into evidence:

B-1 Board engineer completeness letter by Robert Yuro dated 12/18/18 (3 pages)

B-2 Board engineer review letter by Robert Yuro dated 1/18/19 (3 pages)

WHEREAS, the Board, after considering the evidence, has made the following factual findings and conclusions:

1. The applicant is the owner of a home under construction located in the R-2.02 Zone.

2. The existing/proposed use for a single-family home is in conformance with the R-2.02 Zone requirements.

3. No variance relief is required for lot depth, rear yard setback, building height, or lot coverage, as all currently conform with the Borough's ordinances.

4. The applicant requests the following variances for preexisting conditions: minimum lot area of 4,000 square feet, where 2,500 square feet exist; and minimum lot frontage of 50 feet, where 25 feet exists.

5. The applicant also seeks variances for the following: front yard setback of 18 feet where 20 feet are required; side yard setbacks of 3/4 feet,

where 6/8 feet are required; building coverage of 36.36%, where 33% is permitted; side yard setback for first floor covered front deck of 3/4 feet, where 6/8 feet are required per principal building setback requirements; and side yard setback of 1 foot for the stairs, where 3 feet are required.

6. No parking variance is required, since the off-street parking requirements of the ordinance have been met.

7. The purpose of adding a covered deck is so that anyone standing outside, to enter the home, would be able to get out of the rain in order to access their keys and enter the home. The adding of the covered deck will also add charm and character to the home, and be consistent with the neighborhood.

8. The adding of the covered deck will not have any negative impact, visually or otherwise, on the neighborhood or the community.

9. Since the front staircase angles down towards the street, emergency services personnel and others could easily walk underneath the stairway to access the side or the rear of the property; and, by placing the stairs to the side of the property, rather than in the middle, more off street parking is available on site.

10. Several board members commented that the need for variance relief in this case is something which needs to be addressed by the governing body, so that persons who are improving their properties, such as this one, would not need to go through the time and expense of seeking variance relief.

11. The relief sought by the applicant is, by any measure, de minimus.

12. The applicant meets the requirements of N.J.S.A. 40:55D-70c(2) in that the applicant has minimized the deviations from the zoning ordinance and the relief requested will promote a public purpose and thereby provide improved community planning that benefits the public, and the benefits of the variance substantially outweigh any detriment. In fact, the board finds no detriment.

13. The granting of this variance is done without substantial detriment to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. There will be no adverse impact on surrounding properties, and there will be no damage to the character of the neighborhood, nor any substantial detriment to the public good.

WHEREAS, the application was heard by the Board at its meeting on February 7, 2019, and this resolution shall memorialize the Board's action taken at that meeting;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Land Use Board of the Borough of Highlands that the application of ARJIKA PROPERTIES, INC. to complete construction of the single family home by adding a covered deck in the front, as shown on the applicant's application and exhibits, be and the same is hereby approved; and variances are hereby granted for the pre-existing conditions set forth in paragraph 4 above, and for the additional conditions set forth in paragraph 5 above;

AND BE IT FURTHER RESOLVED that this approval is subject to the following conditions:

A. Any damage to any existing pavement, sidewalk, or curb by this project shall be repaired or replaced by the applicant, to the satisfaction of the Borough.

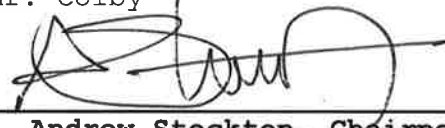
B. The applicant shall obtain outside agency approvals, as required, from the following:

- (1) Construction Official
- (2) Fire Official
- (3) All other departments and agencies having jurisdiction.

OFFERED BY: Mr. Nolan
SECONDED BY: Mr. Gallagher

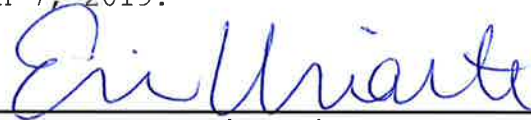
ROLL CALL:

AYES: Mayor O'Neil, Chief Burton, Mr. Francy, Mr. Knox,
Mr. Gallagher, Mr. Nolan, Mr. Lee, Mr. Montecalvo,
Mr. Stockton
NAYS: None
ABSTAIN: None
ABSENT: Councilwoman Mazzola, Mr. Colby



**Andrew Stockton, Chairperson
Land Use Board
Borough of Highlands**

I certify that the above is a true and exact copy of the Resolution passed by the Planning Board of the Borough of Atlantic Highlands at its meeting held on March 7, 2019.



**Erin Uriarte, Secretary
Land Use Board
Borough of Highlands**