

Mr. Kutash offered a motion to move on the adoption of the following Resolution:

2016-11

RESOLUTION APPROVING THE BULK VARIANCE APPLICATION  
OF NORMA AND DONALD ROSS FOR BLOCK 115, LOT 9.201;  
176 LINDEN AVENUE, BOROUGH OF HIGHLANDS, NEW JERSEY

WHEREAS, the applicants are the owners of the above captioned property, located in the R-2.03 Zone; and

WHEREAS, the applicants propose to install a swimming pool, retaining wall and site amenities at the subject premises as set forth in the application and plans submitted in connection with this matter; and

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

WHEREAS, the Board considered this application at a public hearing held on November 10, 2016; and

WHEREAS, the proposed installation of the swimming pool requires the following bulk or "c" variance:

1. Ordinance Section 21-78.A.2, prohibits the size of any accessory structure from exceeding 30% of the ground floor area of the principal structure on a lot. The proposed swimming pool area is equal to approximately 41% of ground floor area of the existing principal structure therefore a bulk variance is required; and

WHEREAS, the Board makes the following factual findings:

1. The variance is practically necessary. The swimming pool would effectively be too small if it complied with the ordinance.
2. The site conditions and size of the lot can accommodate the proposed swimming pool. There will not be any overcrowding of the lot.
3. The applicants will suffer an undue hardship if the variance is not granted.
4. The variance is also related to the existing size and shape of the subject property; and

WHEREAS, the Board determined that the relief requested by the applicants is reasonable and can 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 Borough of Highlands; and

WHEREAS, the Board after considering the testimony of Norma Ross and her engineer and exhibits has found the requested variance to be acceptable with conditions.

NOW THEREFORE BE IT RESOLVED by the Land Use Board of the Borough of Highlands that the application for the variance from the Zoning Ordinance of the Borough of Highlands for the subject property is approved contingent on the following conditions being met:

1. All testimony, evidence and representations made by the applicant and her witness are incorporated herein.
2. Taxes, fees and escrow accounts shall be current.
3. The applicants shall comply with all of the comments and outstanding conditions set forth in the Board Engineer's letter dated November 2, 2016, which letter is incorporated herein in full by reference thereto.
4. The applicants shall obtain all outside agency approval as set forth in the above referenced letter if any.

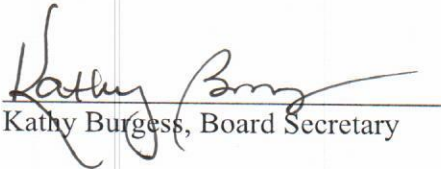
Seconded by Mr. Francy and adopted on the following roll call vote:

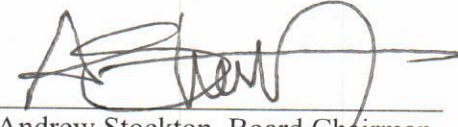
Ayes: All Eligible Members in favor.

Nays: None.

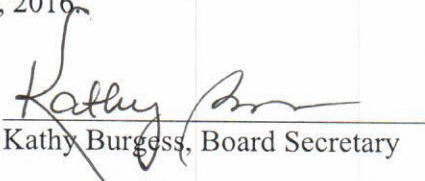
Abstain: Mr. Gallagher.

December 8, 2016.

  
Kathy Burgess, Board Secretary

  
Andrew Stockton, Board Chairman

I certify this to be a true copy of a written Resolution adopted by the Land Use Board of the Borough of Highlands on December 8, 2016.

  
Kathy Burgess, Board Secretary