

Frank Nolan offered a motion to move on the adoption of the following Resolution:

RESOLUTION APPROVING THE BULK VARIANCE APPLICATION
OF ARJIKA PROPERTIES INC. FOR BLOCK 64, LOT 18, A/K/A 228
BAY AVENUE, BOROUGH OF HIGHLANDS, NEW JERSEY

WHEREAS, the applicant is the owner of the above captioned property, located in the R-2.02 Zone; and

WHEREAS, the applicant previously received approval from the zoning officer for the construction of a raised single-family dwelling on the subject site. The applicant proposes to construct a covered porch onto the front of the proposed single-family structure located at the subject premises which will require bulk variances; 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 April 11, 2018; and

WHEREAS, the proposed construction of the covered porch requires the following bulk or "c" variances:

1. The proposed side setback of 3/4 feet does not meet the minimum required pursuant to the applicable ordinance which is 6/8 feet.
2. The proposed front yard setback is 15.1 feet where 20 feet is required by the applicable ordinance.
3. The proposed building coverage is 36.36% where 33% is the maximum permitted pursuant to the applicable ordinance; and

WHEREAS, the preexisting non-conforming lot area and lot frontage will remain and not be affected by this application; and

WHEREAS, the Board makes the following factual findings:

1. The variances are necessitated by the existing lot area and site conditions.
2. No land can be purchased by the applicant or property owner that would help abate the necessity for the variance.
3. The applicant and property owner will suffer an undue hardship if the variances are not granted.
4. The variances are related to the existing size and shape of the subject property.
5. The proposed covered porch fits in with the design and architecture of the homes in the area; and

WHEREAS, the Board determined that the relief requested by the applicant and property owner 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 the applicant and his witnesses and exhibits has found the requested variances 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 variances outlined above from the Zoning Ordinances 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 his witnesses are incorporated herein.
2. Taxes, fees and escrow accounts shall be current.
3. The applicant and property owner shall comply with all of the comments and outstanding conditions set forth in the Board Engineer's letter dated March 8, 2018, which letter is incorporated herein in full by reference thereto.
4. The applicant and property owner shall obtain all outside agency approval as set forth in the above referenced letter.

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

Ayes: Mayor O'Neil, Mr. Burton, Mr. Francy, Mr. Colby, Mr. Gallagher, Mr. Lee, Mr. Nolan and Mr. Stockton

Nays: None

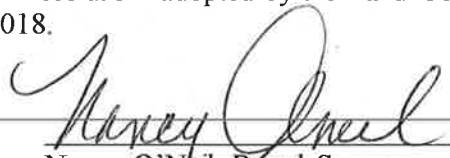
Abstain: Mr. Knox

May 9, 2018.


Nancy O'Neil, 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 May 9, 2018.


Nancy O'Neil, Board Secretary