



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**LAND USE BOARD 2020-03  
RESOLUTION APPROVING BULK VARIANCES  
FOR BEIM AT 13 MARINE PLACE**

WHEREAS, the applicant, JESSE BEIM, is the owner of a home at 13 Marine Place, Highlands, New Jersey (Block 85, Lot 5.01), and filed an application to demolish the existing structure and construct a new 2-story elevated single family home with two front decks and a roof-top deck; 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 July 2, 2020; and

WHEREAS, the Board heard testimony from the applicant, JESSE BEIM and his architect, ANTHONY CONDOURIS; and

WHEREAS, the applicant's neighbor, PETER MULLEN, appeared in support of the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Denial of zoning permit by Marianne Dunn, Zoning Officer dated 12/16/19
- A-2 Variance application dated 2/19/20 (3 pages)

A-3 Architectural Plans by Anthony Condouris dated 10/21/19 (3 pages)

AND, WHEREAS, the following exhibits were also marked into evidence:

B-1 Board engineer completeness letter by Edward Herrman dated 5/7/20 (3 pages)

B-2 Board engineer's fee and escrow calculation letter of 5/7/20

B-3 Board engineer review letter by Edward Herrman dated 5/21/20 (4 pages)

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

1. The applicant is the owner of a pre-existing non-conforming lot, located in the R-2.01 Zone.

2. The applicant proposes to demolish the existing home and construct a new two-story elevated single family home, with two front decks and a roof-top deck.

3. The existing home requires substantial repairs, and the applicant has determined that the cost to do these repairs, versus the cost of rebuilding, are not that far apart that it would justify repairing an old home.

4. The existing home is over seventy (70) years old.

5. There is a large tree in the rear yard which the applicant does not want to remove, and the Board agrees that it would be best to retain that tree. The

plan is to build the rear deck around the tree. Reference here is not to the smaller tree in the right rear corner of the property.

6. Though there is currently parking in the garage, the new home will have a bigger and wider garage, so that both cars can park in the garage and not overhang onto the sidewalk.

7. The applicant did not know where he would place the air conditioning unit though, wherever it is placed, it will not violate any ordinance setback requirements. As to the electric panel, it will be placed on the rear deck and it, too, will not violate any ordinance setback requirements.

8. The applicant originally planned a three-story structure with substantially more square footage. Those plans were changed prior to his submission of this application to the Board.

9. The proposed new home will be similar to others in the neighborhood though not as high as are many of the homes that are being constructed or reconstructed in the neighborhood.

10. The applicant requests a variance for lot frontage of 40 feet, where 50 feet are required, a pre-existing condition.

11. The applicant also seeks variances for the following: front yard setback of 16.4 feet for the dwelling, and 12.3 feet for the deck, both on Marine Place, where 20 feet are required. Both dimensions are pre-existing. And for a front yard setback of 7 feet on Huddy Avenue where 20 feet are required. The pre-existing condition was 6.8 feet.

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

13. The proposed new structure is being placed in basically the same location and footprint as the existing home, yet a little longer/deeper.

14. The applicant has complied with the requirement of promoting a public purpose, to wit providing light, air and open space pursuant to N.J.S.A. 40:55D-2c, as testified to by the applicant's architect. 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 variances substantially outweigh any detriment.

15. 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. In fact, the proposed new structure will fit in well with the neighborhood and be in conformance with most of the homes in the neighborhood, albeit not as large.

WHEREAS, the application was heard by the Board at its meeting on July 2, 2020, 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 JESSE BEIM to construct a single family home as shown on the applicant's application and exhibits, be and the same is hereby approved; and a variance is hereby granted for the pre-existing condition set forth in paragraph 10 above, and variances are hereby granted for the additional conditions set forth in paragraph 11 above;

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

A. The applicant shall replace any front sidewalks (coverages on two streets, as this is a corner lot) that are in poor condition.

B. The applicant shall insure that any roof leaders do not impact adjacent properties.

C. The electric panel will be placed on the rear deck and not violate any setback requirements.

D. The air conditioning unit will be placed in such a way as to not violate any ordinance setback requirements.

E. The large tree in the back yard shall not be removed as long as it is not dead, dying, or creates a hazardous condition to either the applicant's property or any neighboring property.

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

- (1) Construction Official
- (2) Floodplain approval;
- (3) NJDEP;
- (4) All other departments and agencies having jurisdiction.

Offered by: Mr. Knox

Seconded by: Mr. Kutosh

Ayes: Mayor Broullon, Mr. Kutosh, Mr. Lee, Councilmember Mazzola, Ms. Tierney, Mr. Montecalvo, Ms. Nash, Ms. Walsh, Mr. Knox

Nays: None

Abstain: Chairman Stockton

Absent: Chief Burton, Ms. LaRussa

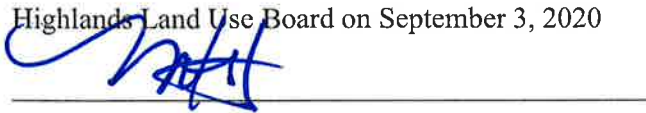


Andrew Stockton,

Chairman, Land Use Board

Borough of Highlands

I, Michelle Hutchinson, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on September 3, 2020



Michelle Hutchinson, Land Use Board Secretary