

**RESOLUTION OF MEMORIALIZATION OF THE LITTLE EGG HARBOR
TOWNSHIP BOARD OF ADJUSTMENT**

**RESOLUTION NO.: 2017-14
VARIANCE APPLICATION NO.: 2017-03**

RE: CARL HEINERT
Block 310, Lot 34
Application for bulk variance

WHEREAS, CARL HEINERT, whose mailing address is 46 West Anchor Drive, Little Egg Harbor, New Jersey 08087, has applied for relief pursuant to N.J.S.A. 40:55D-70(c) affecting premises located at Block 310, Lot 34, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 46 West Anchor Drive, Little Egg Harbor, New Jersey; and

WHEREAS, a public hearing was held on said application on June 14, 2017 and July 12, 2017, in the Municipal Building of the Township of Little Egg Harbor and testimony was presented on behalf of the applicant and all interested parties having been heard; and

WHEREAS, said Board having considered said application and testimony of the applicant, makes the following findings:

1. The application is deemed complete pursuant to the applicable provisions of the Little Egg Harbor Township Zoning Ordinance.

2. The subject property is located within the Residential (R-50) Zone, and is located along the west side of W. Anchor Drive, approximately 1700 FT west of Radio Road, on a manmade lagoon, in the Mystic Island area of the Township. The Applicant has constructed a new 30' x 44' home on pilings in order to meet the new higher flood elevation requirements. The submitted plans include an uncovered deck and steps at the rear of the house and the

southern side of the house. The applicant requires the following variances:

- a. §15-4.14(F)(1)(c) minimum rear yard setback on a bulkheaded lot.

Applicant requests no other bulk variances or waivers.

3. The Applicant testified that the newly-raised structure was placed in the original footprint of the structure prior to the same being raised.

4. The Applicant further testified that the structure has not increased in size, but rather was simply raised; and as such the raising of the structure did not exacerbate the side yard condition, which is arguably pre-existing. After dialogue with the Board, Applicant agreed to move the stairs to the left side of the house which eliminates the rear yard setback variance. With this accommodation, the Board finds it appropriate to grant a variance for the HVAC equipment to be 2 ft. from the side yard property line.

5. The Applicant further testified that there would be no detriment to the surrounding community by the grant of this variance relief which would, in applicant's opinion, constitute a benefit to the neighborhood without being inconsistent with the zone plan and zoning ordinances.

6. No member of the public appeared to testify on this Application.

7. Based upon the foregoing evidence, the Board makes the following findings:

A. The applicant has demonstrated that the requested variance relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan or Zoning Ordinances of the Township of Little Egg Harbor.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this 9th day of August, 2017, based upon the findings herein above stated, the application is hereby granted subject to the following conditions, together with all stipulations of the applicant:

1. The applicant shall strictly adhere to the representations, plans and exhibits submitted with regard to the proposed development of the subject property and should further comply in all respects with the technical review letter as prepared by the Little Egg Harbor Township Zoning Board of Adjustment Engineer dated May 2, 2017, a copy of which is annexed hereto and made a part hereof.

2. Applicant is specifically granted a variance for:

a. Side yard setback of 2 ft. for the HVAC equipment.

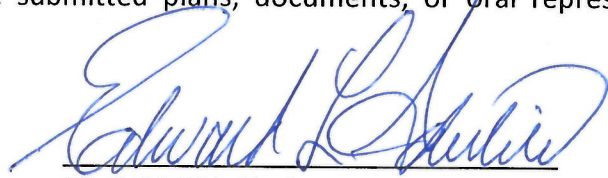
3. Applicant shall comply with RSIS standards with respect to off-street parking.

4. Applicant shall, with respect to the use for the space underneath the home, utilize same for storage, with no occupancy permitted.

5. The applicant shall further reimburse the Little Egg Harbor Township Zoning Board of Adjustment for all professional fees expended with regard to this application within thirty (30) days from the date of memorialization of this Resolution or any approvals granted herein shall automatically become null and void.

6. The applicant shall further secure any and all other necessary applications, permits or approvals and post any surety bonds that may be required by any other governmental agency.

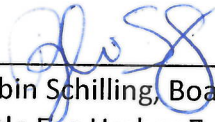
7. The applicant shall resubmit this entire proposal should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant.



ED GAUTIER, Chairman
Little Egg Harbor Zoning Board of Adjustment

CERTIFICATION

The foregoing is a true copy of a memorializing resolution by said Board at its meeting of July 12, 2017, as copied from the minutes of said meeting.



Robin Schilling, Board Secretary
Little Egg Harbor Zoning Board of
Adjustment