

**RESOLUTION OF THE LITTLE EGG HARBOR
TOWNSHIP BOARD OF ADJUSTMENT
DENYING THE APPLICATION FOR BULK VARIANCE**

**RESOLUTION NO.: 2016-22
VARIANCE APPLICATION NO.: 2016-02**

RE: WEAVER, WILLIAM
BLOCK 315, LOT 11
21 West Boat Drive
Application for Bulk Variance

WHEREAS, William Weaver, whose mailing address is 130 Lexington Avenue, South Plainfield, New Jersey 07080, has applied for relief pursuant to N.J.S.A. 40:55D-70(c) affecting premises located at Block 315, Lot 11, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 21 West Boat Drive, Little Egg Harbor, New Jersey; and

WHEREAS, a public hearing was held on said application on March 9, 2016, June 8 2016 and August 10, 2016 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 property is owned by William Weaver.
2. The subject property is located within the R-50 Residential Zone and is located along the south side of West Boat Drive, adjacent to a manmade lagoon in the Hickory Island area of the Township, approximately 500 FT west of Radio Road The Applicant is constructing a new 30' x 34.5' home on pilings in order to meet the new higher flood elevation requirements. The submitted plans propose a 4' x 21.7' set of stairs and landings along the east side of the house

to provide access to the house, due to an issue with piling location during construction. These stairs will be located within the required side yard setback. An existing shed in the west side yard is located in the required side yard setback. The rear deck is included in the building footprint because it appears to be greater than 18" above grade.

3. The applicant requires the following variances:

A. From §15-4.14E(5) – Minimum side yard setback for the proposed stairs – 5 FT required – 1.9 Ft proposed.

B. From §15-4.14E(6) – Minimum combined side yard setback – 15 FT required – 11.6 FT proposed.

C. From §15-4.14E(6) – Minimum side yard setback for accessory structure (shed) – 5 FT required – 0.6 FT proposed.

D. From §15-4.14E(10) – Maximum building coverage – 30% required – 33.5% proposed.

4. Applicants provided testimony stating the shed was moved to a conforming location.

5. Applicant offered the testimony Jeff Daum, PE, PP, who offers that a drainage easement on the other side of the property precludes locating the 2nd staircase there. Mr. Davey also states that improper installation of the pilings precludes locating the stairs under the home using ordinary construction methods as the stairs would shrink the hallway above to an unacceptable two feet in width or would require the removal of two pilings and a span between pilings of twenty feet which is also unacceptable.

6. In a dialogue with the Board, applicant's engineer offers that the relocation of the stairs and entry to the home would reduce the size of the front bedrooms and will reduce

available parking, although parking will still meet RSIS standards. It was further offered that a gravel parking space over the easement would not impede the Township's ability to use the easement.

7. Argument was offered by counsel, Marc Spielberg, representing the adjacent property owner that the proposed variance relief does not advance the interests of zoning and the negative criteria are not met due to the increased noise level of loss of privacy which would be suffered by the neighbor with an entry staircase located 1 – 9 feet from the boundary line separating the two properties.

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

A. The Board finds that the house was not raised according to the plans, as a result of contractor error and that the requested variance relief cannot 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.

B. The Board specifically finds that the applicant has failed to satisfy the negative criteria as the proposed location of the staircase may impact the adjacent neighbor, who offers valid concerns of privacy and noise. Further, applicant does not satisfy the Board that alternate arrangements for the location of the stairs are not possible.

NOW THEREFORE, BE IT RESOLVED, by the said Board that on this 14th day of September, 2016, based upon the findings herein above stated, the application is hereby denied.



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 ~~September~~ August 10, 2016, as copied from the minutes of said meeting.



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