

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

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**RESOLUTION NO.: 2016-13  
VARIANCE APPLICATION NO.: 2016-04**

RE: GIANFRANCESCO, FERNANDO  
Block 325.112,, Lot 16  
Application for bulk variance

**WHEREAS**, FERNANDO GIANFRANCESCO, whose mailing address is 15 Toms Court, 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 321.112, Lot 16, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 15 Toms Court, Little Egg Harbor, New Jersey; and

**WHEREAS**, a public hearing was held on said application on April 13, 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 application is deemed complete pursuant to the applicable provisions of the Little Egg Township Zoning Ordinance.

2. The subject property is located within the Residential (R-50) Zone, and is located along the east side of Toms Court approximately 350 FT south of Columbia Road, in the Mystic Island area of the Township. The Applicant has constructed a new 1,770 sf home on pilings in order to meet the new higher flood elevation requirements. The submitted plans include a raised rear yard deck with stairs. It should be noted that this property is being shown on

preliminary FEMA work maps as requiring a Base Flood Elevation (BFE) of 10 feet, as it is located within the "AE" zone. The finished floor elevation is 15.5 feet. The elevations outside the house is 5.5 feet; therefore the new home will be raised 10 feet from the existing grade. The rear deck is included in the building footprint because it is greater than 18" above grade. It appears that the applicant requires variances from approximately 36 feet wide along the right side of the house. The applicant requires the following variance:

- a. §15-4.14(E)(10) for the maximum percent building coverage; and
- b. §15-4.14(F)(1)(c) for the rear yard setback for the principal building.

Applicant requests no other bulk variances or waivers.

3. Applicant provided testimony on his own behalf, stating that the granting of variance relief would be a benefit to the surrounding community for the new structure would be compatible with the existing homes in the area. Applicant presented that the Township incorrectly approved forty (40%) percent lot coverage in the plans submitted.

4. Applicant supplied plans to demonstrate the appearance of the dwelling. In the Applicant's opinion 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. No view will be impaired.

5. Applicant provided testimony Applicant provided testimony on his own behalf, stating that the granting of variance relief would be a benefit to the surrounding community for

the new structure would be compatible with the existing homes in the area.

6. Applicant supplied plans to demonstrate the appearance of the dwelling. In the Applicant's opinion 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. No view will be impaired.

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 11<sup>th</sup> day of May, 2016, 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 February 3, 2016, a copy of which is annexed hereto and made a part hereof.

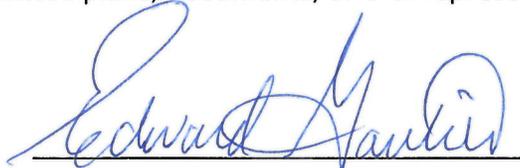
2. Applicant is specifically granted a variance for §15-4.14 (F)(11)(c) minimum rear yard setback of 11.48 ft. when 15 ft. is required.

3. Applicant is specifically granted a variance for §15-4.14 (E)(10) for maximum building coverage of 40% when 30% is required.

4. 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.

5. 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.

6. 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 April 13, 2016, as copied from the minutes of said meeting.



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