

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

**RESOLUTION NO.: 2016-26
VARIANCE APPLICATION NO.: 2016-27**

RE: EDWARD WISNIEWSKI
Block 316, Lot 33
Application for bulk variance

WHEREAS, EDWARD WISNIEWSKI, whose mailing address is 17 Ratigan Avenue, Bordentown, New Jersey 08505, has applied for relief pursuant to N.J.S.A. 40:55D-70(c) affecting premises located at Block 316, Lot 33, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 30 West Dory Drive, Little Egg Harbor, New Jersey 08087; and

WHEREAS, a public hearing was held on said application on October 12, 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 on the north side of West Dory Drive, approximately 700 FT west of Radio Road, on a manmade lagoon in the Mystic Island area of the Township. The Applicant has constructed a new 24' x 46' home on pilings in order to meet the new higher flood elevation requirements. The submitted

plans include a deck on the rear of the house and stairs to the deck on both sides of the house. 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 13.3 feet. The elevation outside the house is 4.8; therefore the new home will be raised approximately 8.5 feet from the existing grade. The applicant requires the following variances:

a. §15-4.14(F)(1)(c) minimum rear yard setback to bulkhead – principal – where 15 feet is required and 14.9 feet is proposed;

b. §15-4.14 (F)(1)(c) minimum rear yard setback to bulkhead – deck – where 15 feet is required and 6.8 feet was originally proposed;

Applicant requests no other bulk variances or waivers.

3. Applicant provided testimony on his own behalf, stating that the original structure was a Sandy-damaged home that was thereafter demolished, and the new structure was set too close to the bulkhead by the contractor.

4. Applicant testified 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.

5. 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.

6. Applicant testified that there is already an existing structure and set of stairs in the location of where the proposed deck would be which extends 4 feet outward towards the bulkhead from the back of the home, as opposed to the proposed 8 feet.

7. A member of the public appeared on this application; specifically, Mr. Nick Russo, the property owner of 28 West Dory Drive, Little Egg Harbor, New Jersey 08087. Mr. Russo testified that he has no problem with the applicant's proposed plan, and that it does not impair his view.

8. In response to questioning, the applicant considered leaving the existing structure, and rather than extending the deck outward toward the bulkhead another 4 feet, to reach the proposed 8 feet, consider extending the deck from where it currently resides along the back of the principal structure, beginning at the sliding door of the same, towards the sideyard setback, which would be to the right of the principal structure when facing from West Dory Drive, and constructing the proposed deck on the right side of the principal structure when facing the same from West Dory Drive.

9. The applicant, after consulting with counsel, testified that this is an agreeable alternative.

10. 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 November, 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 October 4, 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)(1)(c) minimum rear yard setback to bulkhead – principal, and minimum rear yard setback to bulkhead – deck. Specifically, with regard to the minimum rear yard setback to bulkhead from the principal, where 15 feet is required, the proposal of 14.9 feet is granted. With regard to the minimum rear yard setback to bulkhead – deck, the Board approves of the existing structure which extends 4 feet outward from the back of the home towards the bulkhead, thus granting a variance of 10.8 feet, as opposed to the original proposal of 6.8 feet, where 15 feet is required.

3. The Applicant is shall construct the proposed deck as follows; the structure shall not extend outward toward the bulkhead any farther than the 4 feet previously granted for minimum rear yard setback to bulkhead – deck; the structure shall extend along the back of the principal structure, beginning at the sliding door of the same, towards the sideyard, which would be to the right of the house when facing from West Dory Drive, and constructing the proposed deck on the right side of the house when facing the same from West Dory Drive.

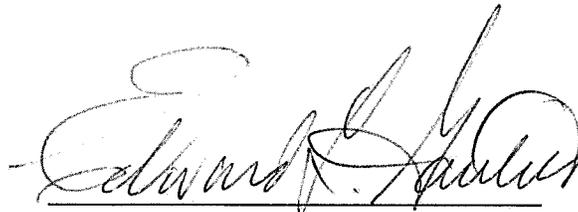
3. In the event the construction of the structure as aforementioned in subparagraph 3 creates any additional variances, the Applicant is required to submit a new application and appear before the Board in order to request approval for the same.

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

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.

A handwritten signature in black ink, appearing to read "Ed Gautier", written over a horizontal line.

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 October 12, 2016, as copied from the minutes of said meeting.



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