

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

**RESOLUTION NO.: 2022-14
VARIANCE APPLICATION NO.: 2022-04**

RE: RAUSHI, RICHARD
BLOCK 316, LOT 41
14 WEST DORY DRIVE
Application for Bulk Variance

WHEREAS, RICHARD RAUSCHI, whose mailing address is 14 West Dory 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 316, Lot 41, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 14 West Dory Drive, Little Egg Harbor, New Jersey; and

WHEREAS, a public hearing was held on said application on May 11, 2022 and August 10, 2022, 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 property in question (PIQ) is located on the north side of West Dory Drive. The lot consists of 0.115 acre (5,000 sf), of which 0.0996 acre (4,340 sf) of the site is upland property. The site is currently developed with an existing 1 story single family dwelling with a concrete driveway, concrete walkways, a rear concrete patio, a 10' x 20' covered Tiki Bar, an outdoor shower as well as a bulkhead and dock system located in the rear lagoon area. The Applicant

seeks variance relief to allow the existing tiki bar to remain, with a 0' foot setback existing to the bulkhead, whereas 15' is required.

3. The applicant seeks approval of the following pre-existing nonconformities:

A. **Minimum Lot Area (Upland) §15-4.14F(1)a:** The required minimum upland lot area is 4,350 SF, whereas the existing upland lot area is 4,340 SF.

B. **Minimum Front Yard Setback §15-4.14E(4):** The minimum front yard setback allowed is 20 feet, where the existing front yard setback is 19.8 feet.

4. The applicant requires the following variance relief:

A. **Rear Yard Setback for Accessory Use (Existing Tiki Bar) §15-4.14 (F)(1):**
An accessory structure is not allowed within 15 feet of the bulkhead, whereas the existing tiki bar is located 0 feet from the existing bulkhead.

D. Applicant requests no other bulk variances or waivers.

5. The Applicant testified that there would be no detriment to the surrounding community by the granting 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. Mark Zrebiec testified that he felt that the applicant did a decent job, that the material blends in well with the house and neighborhood. Joe Chwestek testified that he felt it was a benefit to the neighborhood, the applicant used good material and that he had no problem with it and enjoyed looking at it. Michael Godfrey testified that he had no problem with it and that it does not block his view of the canal. He felt the applicant used good materials and did not feel there was any reason to tear it down. Richard Kitrick stated that the zoning ordinance would not be

impaired and that neighbors are in agreement with the tiki bar and accessories.

8. 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 14th day of September, 2022, 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 further comply in all respects with the technical review letters as prepared by the Little Egg Harbor Township Zoning Board of Adjustment Engineer dated September 23, 2021 and May 9, 2022, a copy of which is annexed hereto and made a part hereof.

2. The applicant is granted approval of the following pre-existing nonconformities:

A. **Minimum Lot Area (Upland) §15-4.14F(1)a:** The required minimum upland lot area is 4,350 SF, whereas the existing upland lot area is 4,340 SF.

B. **Minimum Front Yard Setback §15-4.14E(4):** The minimum front yard setback allowed is 20 feet, where the existing front yard setback is 19.8 feet.

3. The applicant is granted the following variance relief:

A. **Rear Yard Setback for Accessory Use (Esisting Tiki Bar) §15-4.14 (F)(1):**
An accessory structure is not allowed within 15 feet of the bulkhead, whereas the existing tiki bar, grill oven and other accessories within the tiki bar are located 0 feet from the existing bulkhead.

4. Applicant shall comply with the terms of the Township Engineer's technical review

letter dated March 29, 2022.

5. Applicant shall provide an updated survey to accurately show the setbacks for the kitchen and structure and reflecting that there will be no outside shower.

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.



Greg Leszega, Vice-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 August 10, 2022, as copied from the minutes of said meeting.



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