

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

**RESOLUTION NO.: 2020-12
VARIANCE APPLICATION NO.: 2020-06**

**RE: KURTZ, JOHN
BLOCK 323, LOT 40
132 East Dory Drive
Application for Bulk Variance**

WHEREAS, JOHN KURTZ, whose mailing address is 422 Beaver Street, Lancaster, Pennsylvania 17603, has applied for relief pursuant to N.J.S.A. 40:55D-70(c) affecting premises located at Block 323, Lot 40, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 132 East Dory Drive, Little Egg Harbor, New Jersey; and

WHEREAS, a public hearing was held on said application on August 12, 2020, 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 is located on the southerly side of East Dory Drive on the lagoon. Of the 0.133 acre (5,795.3 sf) site, 4,894.7 sf is upland property and 900.6 sf is located within the water. The site is currently improved with a concrete driveway slab landward of the bulkhead and an 8ft x 32 ft remaining dock waterward of the bulkhead. The Applicant proposes to construct a two-story, single family dwelling on pilings with an 8 ft x 30 ft rear deck in the R-

50 Residential Zone. The existing dock and concrete driveway pad are to remain.. The applicant requires the following variance:

A. Minimum Lot Depth to Bulkhead§15-14F(1)(b): where 87 FT is required and 80 FT is existing .

Applicant requests no other bulk variances or waivers.

3. The Applicant was represented by Richard M. Kitrick, Esquire

4. 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.

5. No person appeared in opposition to the subject application.

6. 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 September, 2020, 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 June 3, 2020, a copy of which is annexed hereto and made a part hereof.

2. The Applicant is granted the following variances:

A. Minimum Lot Depth to Bulkhead §15-14F(1)(b): where 87 FT is required and 80.FT is existing.

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

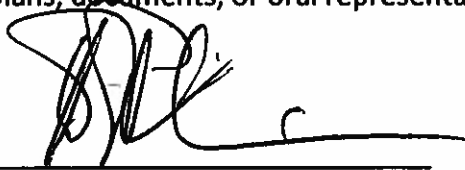
4. Applicant testified that the grade of the property is not being changed in any way that might cause additional run-off from the property onto neighboring properties.

5. Applicant shall provide documentation that a CAFRA permit is not required.

6. 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 forty-five (45) days from the date of memorialization of this Resolution or any approvals granted herein shall automatically become null and void.

7. 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.

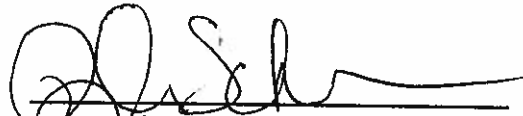
8. The applicant shall resubmit this entire proposal should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant.



EUGENE SULLIVAN, 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 12, 2020, as copied from the minutes of said meeting.

A handwritten signature in black ink, appearing to read 'R. Schilling', written over a horizontal line.

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



**REMINGTON
& VERNICK
ENGINEERS**

9 Allen Street
Toms River, NJ 08753
O: (732) 286-9220
F: (732) 505-8416

June 3, 2020

John Kurtz
830 Radio Road
Little Egg Harbor, NJ 08087

**Re: Bulk Variance Application #2020-06
John Kurtz
132 East Dory Drive
Block 323, Lot 40
Zone: R-50 – Residential Zone
Our File: 1517-Z-386**

Dear Applicant:

Our office has received and reviewed your application and offers the following comments:

A. Background

The property in question (PIQ) is located on the southerly side of East Dory Drive on the lagoon. Of the 0.133 acre (5,795.3 sf) site, 4,894.7 sf is upland property and 900.6 sf is located within the water. The site is currently improved with a concrete driveway slab landward of the bulkhead and an 8 ft x 32 ft remaining dock waterward of the bulkhead. The Applicant seeks variance relief for lot depth to construct a one-story, single-family dwelling on pilings with an 8 ft x 30 ft rear deck. The existing dock and concrete driveway pad are to remain.

B. Relief Required

The Applicant proposes to construct a one-story, single-family dwelling on pilings with an 8 ft x 30 ft rear deck in the R-50 Residential Zone. A single-family dwelling is a permitted use. The Applicant is seeking a bulk variance for the required minimum lot depth to bulkhead and MHWL of 87 ft, whereas 80 ft is existing.

C. Completeness

The following is a list of items required to be submitted by checklist which our office finds relevant for this application. The Board and our office reserve the right to request additional item(s) be submitted, should the testimony provided require such documentation.

1. Item #4 – Deed description shown on plot plan.
2. Item #11 – Names of all property owners within 200 Feet of subject property.
3. Item #16 – Provide at least 4 photographs of the site for an accurate description on site.
4. Item #17 - Flood plain designation.
5. Item #37 – Copy of a survey plan.

D. Zoning

Bulk Requirements: The PIQ is located within R-50 – Residential Zone. The site is a lagoon lot.

The chart below summarizes the area and bulk requirements for the R-50 – Residential Zone in accordance with §15-4.14E and §15-4.14F:

	Required	Existing	Provided	Variance
§15-4.14E and §15-4.14F				
Minimum Lot Area (Upland)	4,350 SF	4,894.7 SF	4,894.7 SF*	Conforms
Minimum Lot Width	50 FT	50.1 FT	50.1 FT	Conforms
Minimum Lot Depth to Bulkhead	87 FT	80 FT	80 FT(V) ⁽¹⁾	Variance
Minimum Front Yard Setback	20 FT	N/A	21 FT	Conforms
Minimum Side Yard Setback - Principal	5 FT	N/A	6 FT	Conforms
Minimum Combined Side Yard Setback	15 FT	N/A	18.5 FT	Conforms
Minimum Rear Yard Setback – Bulkhead Lot	15 FT	N/A	16.3 FT	Conforms
Maximum Building Height for lots located in Areas of Special Flood Hazard	40 FT	N/A	26 FT	Conforms
Maximum Building Coverage, Percent	30%	N/A	25.7%	Conforms

*The overall lot area is 5,795.3 sf, of which 4,894.7 sf is the upland portion.

(1) §15-4.14F(1)(b) The required minimum lot depth to the face of the bulkhead is 87 ft, whereas 80 ft is existing.

E. Review Comments

1. Testimony should be presented as to the hardships associated with the land which force the applicant to come before the Board to request variances.
2. Testimony should be provided as to how the proposed development would not be out of character with the neighborhood.
3. Testimony should be provided which verifies that the property grading is not being changed in any way which might cause additional run-off from the property onto neighboring properties. The proposed method of drainage shall be discussed with the Board.
4. The proposed dwelling may require a CAFRA permit. The Applicant shall obtain a jurisdictional determination as to whether an NJDEP permit is required.
5. The Applicant shall submit a current survey of the property.
6. The Applicant has provided a portion of a floor plan layout. The layout appears to refer to basement steps and have a second floor, whereas the plan indicates a proposed 1-story single-family dwelling. Testimony shall be provided, plans revised

accordingly and signed and sealed architectural plans shall be provided for our review.

7. The proposed number of bedrooms shall be clarified, and the proposed number of off-street parking spaces shall be provided to determine compliance with the minimum parking requirements.
8. All proposed parking shall comply with the RSIS standards.
9. The flood zone designations for the property shown on the current FIRM and preliminary FIRM should be added to the plan.
10. At the time of building permits, the plans will require review and approval from the Township's Certified Floodplain Manager.
11. A signature line shall be provided for the Zoning Board Engineer
12. The names of all property owners within 200 Feet of subject property shall be shown on the plan.
13. The Applicant shall provide at least 4 photographs of the site for an accurate description on site.
14. A deed description should be shown on the plot plan.

F. Fees Required

1. Pursuant to §15-16.1 the following non-refundable administrative fees are required for this application:

§15-16.1A(1)(n)[3] Bulk Variance	\$ 100.00
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2. Pursuant to §15-16.2 of the Land Development Ordinance, the resolution fee is required:

	\$ 150.00
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3. Pursuant to Section 15-16.3, the following escrow fees are required for this application:

§15-16.3M(3) Bulk Variance	<u>\$ 500.00</u>
Total Fees:	\$ 750.00

It is our understanding that all the fees above have been paid.

G. Recommendation

Based upon our review of the information submitted, we recommend that this application be deemed complete subject to the Applicant complying with all applicable notification requirements as set forth in the Municipal Land Use Law.

Our office recommends that the Board proceed with the variance request. The Zoning Board of Adjustment meets the second Wednesday of the month, therefore subject to the notice provided, by the applicant, this application will be scheduled for a public hearing at the July 8, 2020 meeting of the Little Egg Harbor Zoning Board of Adjustment. By copy of this letter, we are informing the applicant of the items to be addressed.

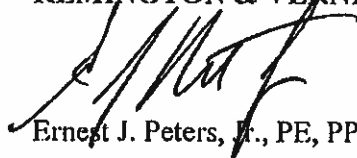
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Should you have any questions, please do not hesitate to contact our office at 732-286-9220.

God Bless America

REMINGTON & VERNICK ENGINEERS



Ernest J. Peters, Jr., PE, PP, CME

EJP/MMG:ag

cc: via e-mail:

Mr. Gene Sullivan, Chairman

Mr. Matthew Spadaccini, Administrator

Ms. Robin Schilling, Director of Community Development

Ms. Diane McCracken, RMC

Mr. Mark Ellis, Zoning Officer

Ms. Debra Rumpf, Esq., Board Attorney

Mr. Richard Kitrick, Esq., Applicant's Attorney (richardkitrick@aol.com)

Mr. Michael Fasey, P.P., P.L.S., Applicant's Planner (231 Falcon Drive, Little Egg Harbor, NJ 08087)