

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

**RESOLUTION NO.: 2020-14
VARIANCE APPLICATION NO.: 2020-07**

RE: SCHWARTZ, CHARLES
Block 326.215, LOT 35
44 KANSAS ROAD
Application for bulk variance

WHEREAS, CHARLES SCHWARTZ, whose mailing address is 3 Brook Hollow Road, Oakland, New Jersey 07436, has applied for relief pursuant to N.J.S.A. 40:55D-70(c) affecting premises located at Block 326.215 Lot 35, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 44 Kansas Road, Little Egg Harbor, New Jersey; and

WHEREAS, a public hearing was held on said application on October 14, 2020 and November 4, 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 southwesterly side of Kansas Road on the lagoon. Of the 0.15 acre (6,647.0 sf) site, 6,640 sf is upland property and 7.0 sf is located within the water. The site is currently developed with a raised one-story single-family dwelling with a raised covered porch, a 2nd floor wood deck, a wood walkway which leads to a wood deck/dock,

bulkhead and floating wood dock, stairs and landing at the rear of the building and stairs and landing within the front yard. The Applicant has raised the existing one-story single-family dwelling in the R-50 Residential Zone. A single-family dwelling is a permitted use. The Applicant is seeking bulk variance relief for the front stair encroachment of approximately 12 ft into the front yard setback, whereas the permitted maximum uncovered stair encroachment into the front yard setback is 5 ft. The applicant requires the following variances:

a. **Maximum Uncovered stair Encroachment into the Front Yard Setback:** where 5 FT is required and 12 ft is provided.

3. 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.

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

5. Dave Fuller testified that he felt that if the application was granted there would be more positive than negative effects.

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 December, 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 September 22, 2020, a copy of which is annexed hereto and made a part hereof.

2. Applicant is specifically granted the following variance:

a. **Maximum Uncovered Stair Encroachment into the Front Yard Setback:** where 5 FT is required and 12 ft is provided.

3. 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.

4. 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.

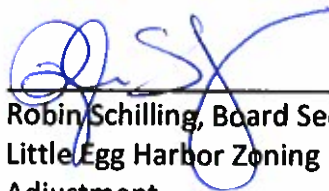
5. The applicant shall resubmit this entire proposal should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant.



EUGENE F. O'CONNOR, 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 November 4, 2020, as copied from the minutes of said meeting.



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