

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

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**RESOLUTION NO.: 2019-21  
VARIANCE APPLICATION NO.: 2019-09**

RE: DONAGHY, PATRICK AND ROBIN  
BLOCK 302.01, LOT 8  
Application for Bulk Variance

**WHEREAS**, Patrick and Robin Donaghy, whose mailing address is 16 North Boom Way, 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 302.01, Lot 8, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 15 North Boom Way, Little Egg Harbor, New Jersey; and

**WHEREAS**, a public hearing was held on said application on November 13, 2019, 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 North Boom Way. The 0.11 acre (5,000 sf) site is located on a man-made lagoon. The site is currently developed with a one-story dwelling, metal shed, concrete driveway runners, concrete sidewalk, concrete patio, a brick barbeque area, bulkhead, dock and gangway. The Applicant seeks variance relief to elevate an existing non-conforming structure and construct a 1 story addition to the main

building, a first and second floor 200 sf addition along the front of the building and a first and second floor 188 sf addition at the rear of the building. The construction includes a first and second floor deck.

3. The Applicant is proposing to elevate an existing non-conforming structure and construct a 1 story addition to the main building in the R-50 Residential Zone. A single-family dwelling is a permitted use.

4. The Applicant seeks variance approval as follows:

A. **Minimum Side Yard Setback – Principal:** is 5 ft., whereas 1.6 ft. is existing, and 4.0 ft is proposed.

B. **Minimum Combined Side Yard Setback:** of 15 ft, whereas 8.2 ft is existing, and 8.7 ft is proposed.

C. **Maximum Building Coverage, Percent:** of 30%, whereas 35.56% is proposed.

Applicant requests no other bulk variances.

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. Tony Pennella, who resides at 18 North Boom Way, testified that he was concerned about drainage onto adjacent properties and was concerned that he would lose his view of the lagoon from his side windows.

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 December 2019. 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 10, 2019, a copy of which is annexed hereto and made a part hereof.

2. The Applicant is granted variance approval as follows:

A. **Minimum Side Yard Setback – Principal:** is 5 ft., whereas 1.6 ft. is existing, and 4.0 ft is proposed.

B. **Minimum Combined Side Yard Setback:** of 15 ft, whereas 8.2 ft is existing, and 8.7 ft is proposed.

C. **Maximum Building Coverage, Percent:** of 30%, whereas 35.56% is proposed.

3. 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. Applicant shall direct any proposed roof leaders and gutters away from adjacent properties with piping under ground to recharge system in accordance with Township requirements.

4. Applicant shall remove all existing concrete around the home with exception of proposed driveways.

5. The home will be centered on the property with 4 ft on the westerly side and 4.7 ft on the other side.

6. Applicant shall remove the metal shed.

7. The utility and HVAC units will be moved to the back of the home.

8. Applicant shall, with respect to the use for the space underneath the home, utilize same for storage and/or garage, with no occupancy permitted.

9. 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.

10. 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.

11. 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 November 13 2019, as copied from the minutes of said meeting.



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