

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

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**RESOLUTION NO.: 2019-18  
VARIANCE APPLICATION NO.: 2019-06**

RE: RICHARD C. JOSEPHSEN  
Block 320, Lot 14  
985 Radio Road  
Application for a use variance

**WHEREAS**, RICHARD C. JOSEPHSEN, whose mailing address is 985 Radio Road, 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 320, Lot 14, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 985 Radio Road, Little Egg Harbor, New Jersey; and

**WHEREAS**, a public hearing was held on said application on June 12, 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 at the southeast corner of the intersection of Radio Road and East Anchor drive. The 6,778 sq. ft. site is presently developed with a 1,050 sf 1 story building with steps to an upper floor, concrete pads, planters, A/C unit, a 435 sf metal garage, trash dumpster, paved parking and a freestanding sign. The Applicant seeks variance

relief relating to providing 2 principal uses within 1 building on the subject property. The property is within the special flood hazard area with a base flood elevation of 8.0 ft as shown on the current FIRM and 10.0 ft as shown on the preliminary FIRM.

3. The Applicant is proposing to use the existing commercial building for 2 uses. The current use of the building is a contractor's showroom for a flooring business and the proposed use is for a 2 chair beauty/hair salon. A contractor's showroom and a beauty/hair salon are both permitted uses in the GB – General Business Zone per §15-4.19A. The site will require several bulk variances for pre-existing non-conforming conditions.

4. The Applicant seeks a Use Variance for the existing commercial building to provide 2 principal uses within 1 building on the subject property, carpet/flooring business and two (2) chair beauty/hair salon.

5. The Applicant seeks approval of all pre-existing nonconformances as follows:

- a. The required minimum lot area is 22,500 sf, whereas 6,778 sf is the existing lot area.
- b. The required minimum lot width is 150 ft, whereas 55 ft is the existing lot width.
- c. The required minimum lot depth is 150 ft, whereas 140 ft is the existing lot depth.
- d. The required minimum front yard setback is 70 ft, whereas 22 ft is the existing front yard setback from Radio Road.
- e. The required minimum side yard setback for the principal building is 20 ft,

whereas 9.8 ft is the existing side yard setback.

f. The required combined side yard setback is 40 ft, whereas 21.4 ft is the existing combined side yard setback.

g. The minimum required parking spaces are:

Beauty shop (2 chairs) 3 parking spaces/chair = 6

Carpet store (1,050 sf) 1.2 parking space/1,000 sf = 2

6. The Applicant was represented by Richard Kitrick, Esquire.

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

8. The Applicant testified that there would be no detriment to the surrounding community by the granting of the Use Variance and the variance relief which would, in applicant's opinion, constitute a benefit to the neighborhood without being inconsistent with the zone plan and zoning ordinances.

9. Based upon the foregoing evidence, the Board makes the following findings:

a. The applicant has demonstrated that the requested Use Variance and 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.

b. The Board finds the property and building unique and meets the criteria and does not interfere with the intent of zoning ordinances or zoning plan.

**NOW, THEREFORE, BE IT RESOLVED**, by the said Board that on this 10<sup>th</sup> day of July, 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 May 21, 2019, a copy of which is annexed hereto and made a part hereof.

2. Applicant is specifically granted the following:

a. A Use Variance for the existing commercial building to provide 2 principal uses within 1 building on the subject property, carpet/flooring business and two (2) chair beauty/hair salon.

3. The Applicant is granted approval of all pre-existing non-conformances as follows:

- a. The required minimum lot area is 22,500 sf, whereas 6,778 sf is the existing lot area.
- b. The required minimum lot width is 150 ft, whereas 55 ft is the existing lot width.
- c. The required minimum lot depth is 150 ft, whereas 140 ft is the existing lot depth.
- d. The required minimum front yard setback is 70 ft, whereas 22 ft is the existing front yard setback from Radio Road.
- e. The required minimum side yard setback for the principal building is 20 ft, whereas 9.8 ft is the existing side yard setback.

f. The required combined side yard setback is 40 ft, whereas 21.4 ft is the existing combined side yard setback.

g. Applicant was granted a variance for 6 parking spaces where 8 are required.

4. Applicant shall stripe the parking spaces and install upper blocking.

5. Applicant shall cut back the concrete in front of the current parking spaces to allow for closer parking.

6. In the event Applicant can obtain a recordable easement, then Applicant will be able to provide 2 additional parking spaces which shall be striped with upper blocking installed.

7. 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.

8. 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.

9. 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.



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EUGENE P. 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 June 12, 2019, as copied from the minutes of said meeting.



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