

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

RESOLUTION NO.: 2019-20
VARIANCE APPLICATION NO.: 2019-07

RE: TWEER, BRYAN
BLOCK 126, LOT 4
Application for Bulk Variance

WHEREAS, Bryan Tweer, whose mailing address is 38 Tradewinds 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 126, Lot 4, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 420 Thomas Avenue, Little Egg Harbor, New Jersey; and

WHEREAS, a public hearing was held on said application on September 11, 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 Thomas Avenue. The 2.56 acre site is currently vacant and densely wooded. The Applicant seeks variance relief for an existing undersized lot. The Applicant is proposing to construct a single-family dwelling in the R-3A Residential Zone. A single-family dwelling is a permitted use.

The Applicant requires the following variance for a pre-existing condition:

- A. **Minimum Lot Depth §15-4.5E:** whereas the required minimum lot area is 3 Acres and the existing lot area is 2.58 Acres.
- B. Applicant requests no other bulk variances or waivers.

3. The Applicant was represented by David A. Semanchik, Esquire

4. The Applicant testified that there would be no detriment to the surrounding community with respect to light, air or space, 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 October, 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 June 23, 2019, a copy of which is annexed hereto and made a part hereof.

2. The Applicant is granted the following variance:

A. **Minimum Lot Area §15-4.5E**: whereas the required minimum lot area is 3 Acres and the existing lot area is 2.58 Acres.

3. Applicant shall direct any proposed roof leaders away from adjacent properties.

4. The proposed one-story garage shall be connected to the house by a breezeway.

Said plans shall be submitted to the Zoning Board Engineer for approval.

5. Applicant testified that the only utility to the garage would be electric service.

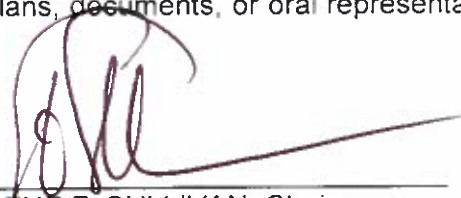
6. There shall be no living accommodation in the garage.

7. The garage shall only be used for residential purposes.

8. 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.

9. 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.

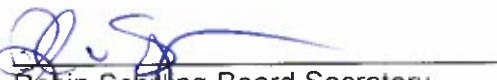
10. The applicant shall resubmit this entire proposal should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant.



EUGENE F. 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 September 11, 2019, as copied from the minutes of said meeting.



Robin Schilling Board Secretary
Little Egg Harbor Zoning Board of
Adjustment

June 23, 2019

Bryan Tweer
38 Tradewinds Drive
Little Egg Harbor, NJ 08087

Email: Betconstruction38@gmail.com

**Re: Bulk Variance Application #2019-07
Bryan Tweer
Block 126, Lot 4
Zone: R-3A Residential Zone
420 Thomas Avenue
Our File: 1517-Z-376**

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 Thomas Avenue. The 2.58 Acre site is currently vacant and densely wooded. The Applicant seeks variance relief for an existing undersized lot.

B. Relief Required

The Applicant is proposing to construct a single-family dwelling in the R-3A Residential Zone. A single-family dwelling is a permitted use. The Applicant is seeking a bulk variance for a pre-existing condition for Lot Area of 2.58 Acres, whereas 3.0 Acres is required.

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.

Item #4 - Deed description shown on plot plan.

Item #16 - Provide at least 4 photographs of site for an accurate description on site.

Item #24 – Elevation of seasonal high-water table.

Item #28 – Soil erosion and sediment control plan.

Item #32 – Driveway material to be shown.

Item #35 – Driveway apron to be shown.

Item #37 – Copy of a survey plan.

D. Zoning

Bulk Requirements: The PIQ is located within R-3A – Residential Zone.

The chart below summarizes the area and bulk requirements for the R-3A – Residential Zone in accordance with §15-4.5E:

	Required	Provided	Status
§15-4.5E			
Minimum Lot Area	3 Acres	2.58 Acres ⁽¹⁾	(EC)(V)
Minimum Lot Width	150 FT	295.7 FT	Conforms
Minimum Lot Depth	200 FT	1,127.1 FT	Conforms
Minimum Front Yard Setback	50 FT	50 FT	Conforms
Minimum Side Yard Setback	20 FT	28.1 FT	Conforms
Minimum Combined Side Yard Setback	50 FT	56.6 FT	Conforms
Minimum Rear Yard Setback	50 FT	863.9 FT	Conforms
Minimum Accessory Building Side Yard Setback	15 FT	20 FT	Conforms
Minimum Accessory Building Rear Yard Setback	15 FT	724 FT	Conforms
Maximum Building Height	35 FT	<35 FT	Conforms
Maximum Building Coverage	5%	2%	Conforms

EC – Existing Condition, V - Variance

(1) §15-4.5E – The required minimum lot area is 3 Acres, whereas the existing lot is 2.58 Acres.

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 the variance.
2. Testimony should be provided as to how the proposed development would not be out of character with the neighborhood.
3. The proposed grading appears to cause additional runoff from the property onto the neighboring properties. Testimony shall be provided.
4. The material of the driveway and a detail shall be added to the plan.
5. The dimensions and radii for the driveway shall be provided.
6. The location of the driveway apron and a detail shall be added to the plan.
7. A survey should be submitted.
8. A deed and metes and bounds description for the site shall be required.
9. Four photographs of the property shall be provided.
10. Elevation of the seasonal high-water table should be provided.
11. Soil erosion and sediment control measures should be provided.

F. Fees Required

- a. 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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- b. Pursuant to §15-16.2 of the Land Development Ordinance, the resolution fee is required:

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

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

Page 3

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

G. Recommendation

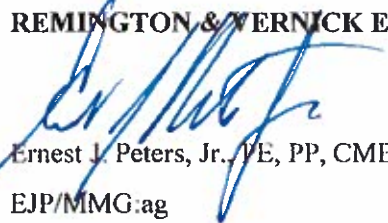
Based upon our review of the information submitted, we recommend that this application be deemed **complete** subject to the Applicant complying with all applicable notification requirements as set forth in the Municipal Land Use Law.

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 10, 2019 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.

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: 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. David A. Semanchik, Esq., Applicant's Attorney (info@semanchiklaw.com)
Mr. Jeff Daum, P.E., Applicant's Engineer (jdaumpe@gmail.com)
Mr. Sean P. McGovern, R.A., Applicant's Architect (116 Compass Road, Manahawkin, NJ 08050)