

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

**RESOLUTION NO.: 2021-19
VARIANCE APPLICATION NO.: 2019-10**

RE: RODRIQUEZ, DOMINICK
BLOCK 326.03, LOT 34
55 Country Club Boulevard
Application for Bulk Variance

WHEREAS, DOMINIC RODRIQUEZ, whose mailing address is 55 Country Club Boulevard, 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 326.03, Lot 34, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 55 Country Club Boulevard, Little Egg Harbor, New Jersey; and

WHEREAS, a public hearing was held on said application on June 9, 2021, 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(PIQ) is located on the northerly side of Country Club Boulevard, 1227.69 ft east of Radio road. The property in question is located within the R-100 (Residential) Zone. The site is 0.33 acres and currently contains a one-story single-family residential frame dwelling with a covered porch, a wood deck, a pool, a concrete walkway and

driveway, a frame shed, and vinyl fence. The Applicant is requesting relief for a fence erected on the property line and for a solid fence within the front yard setback.

3. Applicant seeks approval for the following variances:

A. **§15-12.17B(1)(i)**: Fences shall not be erected on a property line without the approval, in writing of the adjoining property owners. All fences shall be erected a minimum of 6 inches from the property line on which they will be located. The Applicant shall provide evidence that the fence is 6 inches off the property line or a letter from the adjoining property owner approving the location of the fence on the property line.

B. **§15-12.17E**: All fences placed in the front yard of a residential area shall be at least fifty percent (50%) of an open, see-through type, whereas a portion of the existing vinyl fence extends into the front yard approximately 11 ft.

4. Applicant requests no other bulk variances or waiver.

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. Applicant agreed to relocate the fence to be in compliance and withdrew the relief sought in accordance with **§15-12,17B(1)(i)**.

7. The objectors, who are adjacent property owners, were represented by Robert Shinn, Esquire, and testified as to their concerns regarding a time limit within which to relocate the fence.

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

A. The Board finds that the Applicant has not presented any evidence that a hardship exists.

B. The Board finds that the Applicant failed to provide any evidence that the granting of the variance relief would be a benefit without being inconsistent with the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this 14th day of July, 2021, based upon the findings herein above stated, the application is subject to the following conditions, together with all stipulations of the applicant:

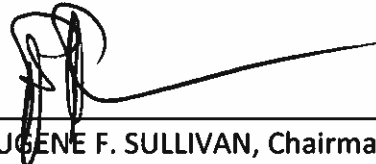
1. The applicant shall strictly adhere to the representations, plans and exhibits submitted with regard to the proposed development of the subject property and should further comply in all respects with the technical review letter as prepared by the Little Egg Harbor Township Zoning Board of Adjustment Engineer dated January 20, 2020, September 22, 2020, and December 28, 2020, a copy of which are annexed hereto and made a part hereof.

2. Applicant testified with respect to the relief requested under **§15-12.17B(1)(i)**, that same would be withdrawn and Applicant agreed to relocate the fence six (6) inches from the property line within ninety (90) days from the date of memorialization of this Resolution and submit an As-Built Survey to the Zoning official. No variance is required.

3. The relief requested under **§15-12.17E** is denied.

4. 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.

5. 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.



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 June 9, 2021 as copied from the minutes of said meeting.



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