

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

**RESOLUTION NO.: 2023-15
VARIANCE APPLICATION NO.: 2023-09**

RE: EMILY CAPONIGRO and CHRISTOPHER WEBER
1046 RADIO ROAD
BLOCK 325.12, LOT 8
Application for Bulk Variance

WHEREAS, EMILY CAPONIGRO and CHRISTOPHER WEBER, whose mailing address is 1046 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 325.12, Lot 8, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 1046 Radio Road, Little Egg Harbor, New Jersey; and

WHEREAS, a public hearing was held on said application on July 12, 2023 and September 13, 2023, 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 west side of Radio Road and is a lagoon lot. The tract consists of 0.155-acres (6,765 sf), with 0.149-acres (6,494.4 sf+/-) of the lot being upland property. The upland portion of the site contains a 1-story dwelling on pilings, concrete driveway, enclosed rear portion, wooden deck, and an inground pool within a screened

enclosure. The rear portion of the site being located within the lagoon is improved with a bulkhead, wooden dock and floating dock. The Applicant seeks variance relief to allow the screened enclosure around the pool to be 11.7 feet from the bulkhead, where 15 feet is required.

3. The Applicant seeks the following variance approval:

A. **Rear Yard Setback for Accessory Use from Bulkhead (Pool Enclosure (§215-4.14F(1)(c))**: The required minimum rear yard setback for an accessory use on a bulkhead lot is 15 FT, whereas 11.7 feet is provided to the screened pool enclosure

B. **Side Yard Setback (Pool Pump) (§215-7.9G(2))**: The required minimum side yard setback to a pool pump is 5 feet, whereas 4.5 feet is provided.

C. Applicant requests no other bulk variances or waivers.

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

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. 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 11th day of October, 2023, 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 April 4, 2023, a copy of which is annexed hereto and made a part hereof.

2. The Applicant is granted the following variance relief:

A. **Rear Yard Setback for Accessory Use from Bulkhead (Pool Enclosure (§215-4.14F(1)(c))**: The required minimum rear yard setback for an accessory use on a bulkhead lot is 15 FT, whereas 11.7 feet is provided to the screened pool enclosure

B. **Side Yard Setback (Pool Pump) (§215-7.9G(2))**: The required minimum side yard setback to a pool pump is 5 feet, whereas 4.5 feet is provided.

3. The Applicant will construct a fence across the front of the side yard to match the neighbor's vinyl fence in order to shield the pump equipment from view in the front yard.

4. The Applicant shall not make any additions to the screened area.

5. The Applicant shall keep the screened area transparent with only screens affixed. No shades or construction affecting transparency shall be permitted.

6. 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.

7. 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.

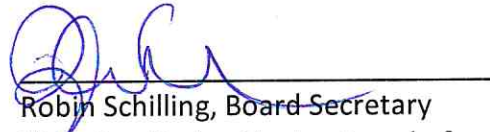
8. The applicant shall resubmit this entire proposal should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant.



EUGENE 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 September 13, 2023, as copied from the minutes of said meeting.



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