

**RESOLUTION OF THE LITTLE EGG HARBOR
TOWNSHIP BOARD OF ADJUSTMENT
DENYING THE APPLICATION FOR BULK VARIANCE**

**RESOLUTION NO.: 2023-22
VARIANCE APPLICATION NO.: 2022-08**

RE: SEASIDE CAPITAL, LLC
BLOCK 315, LOT 1
1 WEST BOAT DRIVE
Application for Bulk Variance

WHEREAS, Seaside Capital, LLC, whose mailing address is P.O. Box 676, Lakewood, New Jersey 08701, has applied for relief pursuant to N.J.S.A. 40:55D-70(c) affecting premises located at Block 315, Lot 1, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 1 West Boat Drive, Little Egg Harbor, New Jersey; and

WHEREAS, a public hearing was held on said application on November 8, 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 property in question (PIQ) is located at the southwest intersection of West Boat Drive and Radio road on a lagoon. The tract consists of 0.099-acres (4,350 sf), with 0.086-acres (3,733 sf) of the site being upland property. The site is currently developed with an existing frame shed as well as a bulkhead located in the rear of the property opposite West Boat Drive. The Applicant seeks variance relief to allow for construction of a new single-family dwelling on an undersized lot with additional bulk variances.

The Applicant had also requested variances to allow a front yard setback from Radio

Road of 9.7 feet, where 20 feet is required, rear setback to the dwelling from the bulkhead of 13.29 feet where 15 feet is required, rear setback to the proposed deck from the bulkhead of 5.29 feet, where 15 feet is required and also to allowing building coverage of 37.5%, where 30% is allowed.

2. Applicant seeks approval of all existing nonconformances as follows;

a. Per §15-4.14F(1)(a) the required minimum upland lot area is 4,350 SF, whereas the existing upland lot area is 3,733 SF.

b. Per §15-4.14E(2) the required minimum lot width is 50 feet, whereas the existing lot width is 40.58 feet.

3. Applicant seeks variance approval as follows:

a. Per §15-4.14E(4) the required minimum front yard setback is 20 feet, whereas the proposed front yard setback from Radio Road is 9.98 feet to the covered porch. Applicant agreed to switch the location of the stairs and remove the bumpout of house thereby requesting a front yard set back variance proposing 11.15 ft.

b. Per §15-4.14E(10) the maximum allowable building coverage is 30%, whereas the proposed building coverage is 33.99%. With the proposed changes as listed in 3a, thereby a variance for the proposed building coverage is 31.98%.

c. Per §15-4.14F(1)(d) the required rear setback from the bulkhead for an accessory structure is 15 feet, whereas the proposed deck has a rear setback of 12.58 feet. Applicant agreed to move the back deck back by two feet thereby meeting the rear setback and would not need a variance.

4. 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.

5. The Applicant was represented by Kevin Quinlan, Esquire appearing on behalf of the Applicant.

6. The Applicant's professional testified that a dwelling could be built conforming with the zoning requirements but believes it would not be in the character of the neighborhood.

7. The following members of the public spoke with respect to the application: Sharon Murrah, who is the next door neighbor spoke in opposition to the application. Jim McCutchun who lives a 4 West Dory spoke in opposition stating that the proposed house was too large for the lot and would not be in character with the neighborhood.

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

A. The Applicant has not proved any specific/special reason why the project is particularly suited and would promote the general public. Additionally the Applicant has failed to prove that the project would not impair the intent and purpose of the Zone Plan and Zoning Ordinance citing that the proposed house is too large for the lot and the front yard setback proposed.

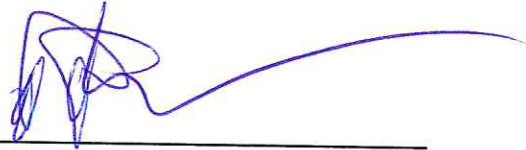
B. The Board finds that the Applicant purchased an undersized lot aware of the problems with meeting the Zoning and Building requirements regarding the front yard setback and lot coverage.

C. The Board further finds that granting the variance for front yard set back and

lot coverage would impair the intent and purpose of the Zone Plan and Zoning Ordinance.

D. The Board further finds that the Applicant proposed construction would be out of character with the neighborhood as further supported by public comments. The Board further finds that the size of the proposed dwelling is just too much for the lot.

NOW THEREFORE, BE IT RESOLVED, by the said Board that on this ^{13th} day of December, 2023, based upon the findings herein above stated, the application is hereby denied.



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 November 8, 2023, as copied from the minutes of said meeting.



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