

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

---

**RESOLUTION NO.: 2024-08  
VARIANCE APPLICATION NO.: 2023-13**

RE: CAPRIO, NICHOLAS AND DONNA  
45 South Ensign Drive  
Block 326.31, Lot 25  
Application for Bulk Variance

**WHEREAS**, NICHOLAS AND DONNA CAPRIO, whose mailing address is 45 South Ensign 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 326.31, Lot 25, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 45 South Ensign Drive, Little Egg Harbor, New Jersey; and

**WHEREAS**, a public hearing was held on said application on December 13, 2023 and May 8, 2024, 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 east side of Ensign Drive and is a lagoon lot. The tract consists of 0.114-acres (5,000 sf), with 0.111-acres (4,837 sf+/-) of the lot being upland property. The site currently contains a 2-story raised frame dwelling with garage/enclosure at ground level, asphalt driveway and rear deck with an at grade level deck and

floating dock in the rear. The Applicant seeks variance relief to allow a front yard setback of 15.5 feet, where 20 feet is required, building coverage of 35.98%, where 30% is allowed, side yard setback of the rear deck of 0 feet, where 5 feet is required, side yard setback of spiral staircase of 0.4 feet, where 5 feet is required and minimum setback to the a/c unit of 1.3 feet, where 2 feet is required.

3. The Applicant seeks the following existing non-conformity/variance approval:

A. **Minimum Front Yard Setback (§215-4.14E(4))**: The required minimum front yard setback is 20 FT, whereas 15.5 feet is provided.

B. **Maximum Building Coverage (§215-4.14E(10))**: The required maximum building coverage allowed is 30%, whereas the building coverage is 36.97%.

C. **Minimum Side Yard Setback (§215-4.14E(8))**: The required minimum side yard setback for an accessory structure is 5 FT, whereas 0 feet is provided to the rear deck, which was withdrawn by the Applicant.

D. **Side Yard Setback for Steps (Spiral Stairs) (§215-7.8J)**: The required side yard setback for unroofed steps is 5 feet, whereas 0.4 feet is provided to the rear spiral stairs., which was withdrawn by the Applicant.

E. **Minimum Setback for A/C Unit to a property line in Areas of Special flood Hazard (§215-7.8F)**: The required setback for A/C units is 2 feet, whereas 1.3 feet is provided to the A/C unit on the south side of the dwelling.

4. Applicant seeks the following variance approval:

A. **Minimum Front Yard Setback (§215-4.14E(4))**: The required minimum front yard setback is 20 FT, whereas 15.5 feet is provided.

B. **Maximum Building Coverage (§215-4.14E(10))**: The required maximum building coverage allowed is 30%, whereas the building coverage is 36.97%.

C. **Minimum Side Yard Setback (§215-4.14E(8))**: The required minimum side yard setback for an accessory structure is 5 FT, whereas 0 feet is provided to the rear deck, which was withdrawn by the Applicant.

D. **Side Yard Setback for Steps (Spiral Stairs) (§215-7.8J)**: The required side yard setback for unroofed steps is 5 feet, whereas 0.4 feet is provided to the rear spiral stairs, which was withdrawn by the Applicant.

E. **Minimum Setback for A/C Unit to a property line in Areas of Special flood Hazard (§215-7.8F)**: The required setback for A/C units is 2 feet, whereas 1.3 feet is provided to the A/C unit on the south side of the dwelling .

5. Applicant requests no other bulk variances or waivers.

6. 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.

7. The Applicant was represented by Jan L. Wouters, Esquire

8. 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.

B. The applicant further demonstrated the existence of a health hardship.

**NOW, THEREFORE, BE IT RESOLVED**, by the said Board that on this 12<sup>th</sup> day of June, 2024, 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 July 13, 2023 and September 20, 2023, copies of which are annexed hereto and made a part hereof.

2. The Applicant is granted the following existing non-comformity/variance relief:

A. **Minimum Front Yard Setback (§215-4.14E(4))**: The required minimum front yard setback is 20 FT, whereas 15.5 feet is provided.

B. **Maximum Building Coverage (§215-4.14E(10))**: The required maximum building coverage allowed is 30%, whereas the building coverage is 36.97%.

C. **Minimum Setback for A/C Unit to a property line in Areas of Special flood Hazard (§215-7.8F)**: The required setback for A/C units is 2 feet, whereas 1.3 feet is provided to the A/C unit on the south side of the dwelling.

3. The Applicant is granted the following variance relief:

A. **Minimum Front Yard Setback (§215-4.14E(4))**: The required minimum front yard setback is 20 FT, whereas 15.5 feet is provided.

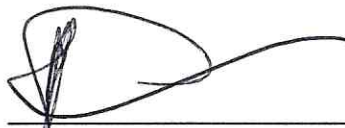
B. **Maximum Building Coverage (§215-4.14E(10))**: The required maximum building coverage allowed is 30%, whereas the building coverage is 36.97%.

C. **Minimum Setback for A/C Unit to a property line in Areas of Special flood**



**Hazard (§215-7.8F):** The required setback for A/C units is 2 feet, whereas 1.3 feet is provided to the A/C unit on the south side of the dwelling.

4. Applicant shall submit an updated variance plan.
5. Applicant shall remove the concrete pad on the east side of the building.
6. Applicant shall provide a second survey and if same indicates the driveway encroaches on the neighbor's property, same will be removed.
7. Applicant shall remove the boat and camper within thirty days.
8. The storage area which was part of the prior house structure shall comply with all building codes.
9. The property is an ongoing construction site and Applicant shall clean up construction debris on a daily basis.
10. 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.
11. 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.
12. 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.

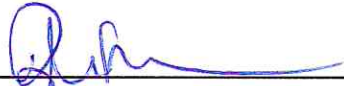


---

EUGENE F. SULLIVAN  
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 May 8, 2024 as copied from the minutes of said meeting.

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