

August 24, 2026

Robin Schilling, Secretary
Township of Little Egg Harbor Zoning Board
665 Radio Road
Little Egg Harbor, NJ 08087
Email: rschilling@leht.com

**Re: Bulk Variance Application #2026-09
Sean Hybbeneth
955 Nugentown Road
Block 262, Lot 2.23
Zone: R-1A – Residential Zone
Our File: 1517-Z-493**

Dear Ms. Schilling:

Our office has received and reviewed the referenced application and offers the following comments:

A. Background

The property in question (PIQ) is located on the southwesterly side of Nugentown Road, east of Tony's Drive. The PIQ is located within the R-1A Residential Zone. The site is a 1.01 acre lot and currently contains a 1 1/2-story single-family residential dwelling with 2-car garage, covered front porch, a rear deck and patio, a rear porch, a shower, and wood walk, a well and a U-shaped concrete/gravel driveway with concrete aprons. A portion of the site is wooded. There is a conservation easement at the southerly rear portion of the lot.

B. Items Submitted

1. Copy of the Township of Little Egg Harbor Zoning Application dated May 28, 2026.
2. Copy of the Township of Little Egg Harbor Zoning Board of Adjustment Application and Appeal dated July 1, 2026.
3. Copy of Part D – Description of Relief and Statement of Facts.
4. Copy of an Affidavit of Non-Collusion dated July 1, 2026.
5. Copy of a Site Inspection Consent dated July 1, 2026.
6. Copy of 4 Site Photographs.
7. Copy of a Denial of Application dated May 29, 2026.
8. Copy of Check No. 1763 in the amount of \$100.00 for application fees.
9. Copy of Check No. 1764 in the amount of \$150.00 for resolution fees and escrow fees.
10. Copy of a Survey of Property, prepared by Charles O'Malley, P.L.S., dated January 27, 2026, which is not sealed and is marked up with the proposed location of pole barn.
11. Copy of Pole Barn Specifications prepared by High Quality Steel Structures, consisting of 7 sheets.
12. Copy of a 200 ft Certified List of Property Owners dated July 9, 2026.

13. Copy of Proof of Taxes Paid dated July 6, 2026.

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.

1. Item #3 – Plans shall be prepared by an architect, planner, engineer, land surveyor, or the applicant, where appropriate.
2. Item #6 – Key Map showing location of tract to be considered in relation to surrounding area at a scale not less than 1" = 2,000 Feet.
3. Item #9 – Graphic Scale.
4. Item #10 - Space for signatures of Chairman and Secretary of Municipal Agency.
5. Item #14 - Zoning District chart indicating all existing and proposed setbacks, lot coverage, height, floor area ratio, and density.
6. Item #33 – Driveway dimension to be shown.

D. Relief Required

The Applicant proposes to construct a 24 ft x 30 ft pole barn (720 sf) and a 12 ft x 30 ft covered porch (360 sf) with a height of 13 ft. The proposed pole barn would be considered a permitted accessory use in the R-1A Zone (§215-4.6B). The proposed structure exceeds the size requirement in §215-7.14 of 900 sf, whereas 1,080 sf is proposed; and the minimum side yard setback requirement in §215-4.6E of 15 ft, whereas approximately 3 ft is proposed.

E. Zoning

Bulk Requirements: The PIQ is located within the R-1A - Residential Zone.

The chart below summarizes the area and bulk requirements for the R-1A – Residential Zone in accordance with §215-4.6E:

	Required	Provided	Status
§215-4.6E			
Minimum Lot Area	43,560 SF	43,560 SF	Conforms
Minimum Lot Width	150 FT	>150 FT	Conforms
Minimum Lot Depth	200 FT	>200 FT	Conforms
Minimum Front Yard Setback	50 FT	63.8 FT	Conforms
Minimum Side Yard Setback	20 FT	33.6 FT	Conforms
Minimum Combined Side Yard Setback	50 FT	>50 FT	Conforms
Minimum Rear Yard Setback	40 FT	>40 FT	Conforms
Minimum Accessory Building Side Yard Setback	15 FT	±3 FT (V) ⁽¹⁾	Variance
Minimum Accessory Building Rear Yard Setback	15 FT	15 FT	Conforms
Maximum Building Height	35 FT	<35 FT	Conforms
Maximum Building Coverage	20%	<20%	Conforms
§215-7.14			
Maximum Height of an Accessory Structure	15 FT	13 FT	Conforms
Maximum Floor Area for an Accessory Structure	900 SF	1,080 SF (V) ⁽²⁾	Variance

V – Variance

Notes:

1. Definition of Building Area is the total of areas of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings, exclusive of unroofed porches, terraces or steps having vertical faces, which at all points are less than three feet above the level of the ground.
2. Definition of Floor Area is the sum of the gross horizontal areas of the floor or several floors of a building or structure. In the case of business or commercial buildings, floor area includes showcase facilities and storage and sales facilities. In the case of residential buildings, the floor area shall not include open porches or open decks, garages or basements, cellars, or other floor areas with floor-to-ceiling headroom of less than seven (7) feet three (3) inches. In the case of multi-family dwellings, areas used for public halls, stairways, elevator shafts, and interior vehicular parking shall not be counted as floor area.
3. The proposed pole barn has a 24 ft x 30 ft enclosed area of 720 sf and a 12 ft x 30 ft covered porch area of 360 sf
- (1) Per §215-4.6E the minimum side yard setback for an accessory structure is 15 ft, whereas approximately 3 ft is proposed. **The Applicant has requested a variance.**
- (2) Per §215-7.14F any building with a gross floor area in excess of 900 square feet or containing living space shall not be considered an accessory building, whereas the Applicant is proposing an area of 1,080 sf.

F. Review Comments

1. The Applicant should provide testimony regarding the reasons for the location of the structure, which necessitates the need for the variance.
2. The Applicant should provide testimony regarding the reasons for the size of the structure, which necessitates the need for a variance.
3. The marked-up plan indicates a building height of 13 ft, whereas the pole barn specifications indicate a building height of 10 ft. The Applicant should provide testimony to clarify the height of the proposed pole barn.
4. Testimony should be presented as to the hardships associated with the land which force the Applicant to come before the Board to request the variances.
5. Testimony should be provided as to how the proposed development would not be out of character with the neighborhood.
6. Testimony should be provided which verifies that the property grading is not being changed in any way which might cause additional run-off from the property onto neighboring properties.
7. Testimony shall be provided to discuss where the roof drainage will be directed.
8. Testimony should be provided regarding connection to utilities, and whether or not electric and/or restroom facilities are proposed.
9. Testimony should be provided to discuss the uses of the proposed pole barn.

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10. Testimony shall be provided to discuss access to the pole barn.
11. Testimony should be provided to confirm that no tree removal is proposed.
12. The approximate location of the existing septic system should be shown on the plans.
13. In the Applicant's description of Part D of the application, the Applicant indicates that "landscaping will be installed and maintained between the structure and the neighboring property thus providing a lush green tree line between the proposed building and the neighbors fence line. This landscaping will provide visual screening, enhance neighborhood aesthetics, increase sound buffering, enhance privacy, and further reduce any potential impact on adjoining properties." At the closest point, the is approximately 3ft. The Applicant should show the landscaping proposed on the plan.
14. The proposed side yard setback closest to the property line should be dimensioned on the plan to determine the actual relief required.
15. A plot plan prepared by a professional engineer may be required as a condition of resolution compliance and prior to obtaining building permits depicting all setbacks to scale including the setback from the existing porch and deck.
16. The Applicant shall provide proof of the Notice of Publication.

G. Fees Required

1. Pursuant to §15-16.1, the following non-refundable administrative fee is required for this application:

§15-16.1A(1)(n)[3] Bulk Variance	<u>\$100.00</u>
Total Application Fee	\$100.00
2. Pursuant to §15-16.2 of the Land Development Ordinance, the resolution fee required:

	\$150.00
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3. Pursuant to Section 15-16.3, the following escrow fee is required for this application:

§15-16.3M(3) Bulk Variance (2 Required)	<u>\$600.00</u>
Total Escrow Fee:	\$600.00

The Applicant has provided \$100.00 in application fees, \$150.00 in resolution fees, and \$500.00 in escrow fees.

The Applicant shall provide an additional escrow fee of \$100.00.

H. Recommendation

Based upon our review of the information submitted, we recommend that this application be deemed **complete** subject to the Applicant submitting the additional escrow fees and complying with all applicable notification requirements at least ten (10) days prior to the hearing date as set forth in the Municipal Land Use Law.

Our office recommends that the Board proceed with the variance. The Zoning Board of Adjustment meets the second Wednesday of the month. Subject to the notice being provided by the Applicant, this application will be scheduled for a public hearing at the September 9, 2026,

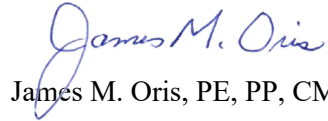
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meeting at the Little Egg Harbor Zoning Board of Adjustment. By copy of this letter, we are informing the applicant of the items to be addressed.

Should you have any questions, please do not hesitate to contact me at (732) 286-9220.

God Bless America,

REMINGTON & VERNICK ENGINEERS



James M. Oris, PE, PP, CME

EJP/JMO/MMG:mr

cc: via e-mail:
 Mr. Greg Leszega, Chairman
 Ms. Arleen Keenan, Vice-Chairman
 Ms. Kelly Lettera, RMC, Acting Township Administrator
 Mr. John Cooley, Zoning Officer
 Ms. Brian Rumpf, Esq., Board Attorney
 Mr. Jason Worth, P.E., Township Engineer
 Sean Hybbeneth, Applicant (sjjjhybb@gmail.com)