

**RESOLUTION OF MEMORIALIZATION OF THE LAND USE
BOARD OF THE BOROUGH OF HARVEY CEDARS,
COUNTY OF OCEAN AND STATE OF NEW JERSEY
DOCKET NO. 2017:03**

WHEREAS, Kimberly L. Coulson has made application to the Land Use Board of the Borough of Harvey Cedars for variances to permit her to construct a two story addition at the westerly side of the single family home with the addition maintaining the existing nonconforming side yard setback of 7.9 feet and matching the existing roof peak of 31.9 feet at property known and designated as Lot 39 Block 6; 5423C Long Beach Boulevard in the Borough of Harvey Cedars, County of Ocean and State of New Jersey; and

WHEREAS, this matter was presented to the Land Use Board at a public hearing conducted on March 16, 2017. The applicant appeared pro se. The application dated February 16, 2017 was entered into evidence as Exhibit A-1; the plan prepared by Horn, Tyson & Yoder, Inc, titled "Variance Map Lot 39, Block 6, Tax Map Sheet # 2 Borough of Harvey Cedars, Ocean County, New Jersey" dated August 18, 2016 revised on January 24, 2017 under signature and seal of James D. Brzozowski, PE, PP and Hayes A. Hewitt, PLS was entered into evidence as Exhibit A-2; architectural plans prepared by Christopher Jeffrey Architects, PLLC, titled "Coulson Residence 5423 C Long Beach Blvd. Harvey Cedars, NJ" containing Sheets: A-001, A-002, A-003, A-004, A-005, A-200 and A-201 dated February 3, 2017 were entered into evidence as Exhibit A-3; a series of four (4) photographs of the property were entered into evidence as Exhibit A-4. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated March 10, 2017 was entered into evidence as Exhibit B-1. Testimony was offered by Christopher Jeffrey, applicant's architect and Kimberly Coulson, the applicant. There was not any public comment; and

WHEREAS, the Land Use Board after considering the Application, documentation entered into evidence, testimony of the witness and argument of counsel has made the following factual findings:

1. All jurisdictional requirements have been met.
2. Applicant is the owner of the property.
3. The property is located in the RA Single Family Residential Zone.
4. The property consists of an oceanfront lot with a gross area of 32,500 square feet; and an area of 6,925.9 square feet westward of the oceanfront building line. A 5 foot walkway pedestrian easement traverses the northerly side of the property.
5. The property is accessible from Long Beach Boulevard by a 25 foot and 15 foot wide vehicular easement. The easterly portion of the lot is encumbered by the Oceanfront building line.
6. The property is developed with an elevated two story single family home. The southerly side yard setback to the dwelling is 7.8 feet where 10 feet is required; the existing northerly setback to the pedestrian easement is 7.9 feet where 8 feet is required; the setback from the existing chimney is 5.4 feet to the pedestrian easement where 8 feet is required. The existing building height is 31.9 feet where 30 feet is required.
7. Applicant proposes to renovate the interior of the house; and construct a two story addition on the westerly portion of the house, aligned with the existing structure. Applicant proposes to maintain the roof line, whereupon she is requesting a variance from the 30 foot height requirement to permit a height of not more than 31.9 feet; she also proposes that the northerly façade continue at the addition, whereupon the 7.9 foot setback would be maintained from the addition, she is seeking variance relief from the 8 foot requirement.
8. The current access easement of 15 feet is nonconforming as a minimum width of 25 feet is required. This easement as well as the nonconformities noted above is preexisting. Variance relief is requested to enable the addition to conform to the existing nonconforming conditions, a building height of 31.9 feet and a 7.9 foot setback from the easement; as aforementioned.

9. The proposed addition has dimensions of 28 x 21.6 feet; with 16 x 21.6 feet containing new heated living space. The single family use will be maintained and is permitted in the zone; the project conforms to building coverage and floor area ratio requirements.
10. Applicants architect testified that any new air conditioning units will comply with setback requirements; and that the plans provide for a roof overhang over the proposed entrance.
11. The addition as proposed will not adversely affect any adjoining properties.
12. The Board adopts the contents of the March 10, 2017 letter of Owen, Little and Associates, Inc. as if set forth herein at length.
13. The continuation of the 7.9 foot setback from the easement will not interfere with the use of the easement; and

WHEREAS, the Land Use Board of the Borough of Harvey Cedars has determined that the relief requested by the applicant, Kimberly L. Coulson for variances to permit her to construct a two story addition at the westerly side of the single family home with the addition maintaining the existing nonconforming side yard setback of 7.9 feet and matching the existing roof peak of 31.9 feet at property known and designated as Lot 39 Block 6; 5423C Long Beach Boulevard in the Borough of Harvey Cedars, County of Ocean and State of New Jersey, in accordance with plans entered into evidence as Exhibits A-2 and A-3, the addition will substantially conform to the ordinance requirements, but for the continuation of an existing setback, which is less than 1/10 of a foot nonconforming and will not affect the surrounding property or impact the adjoining pedestrian easement; and the height will match the existing building, and exceed the requirement at its peak; over the heated area of the addition. The location of the property and existence for many years of the building height, detracts from the proposed height having a negative impact upon the surrounding area.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Harvey Cedars that the application of Kimberly L. Coulson for variances to

permit her to construct a two story addition at the westerly side of the single family home with the addition maintaining the existing nonconforming side yard setback of 7.9 feet and matching the existing roof peak of 31.9 feet at property known and designated as Lot 39 Block 6; 5423C Long Beach Boulevard in the Borough of Harvey Cedars, County of Ocean and State of New Jersey, in accordance with plans entered into evidence as Exhibits A-2 and A-3, be and hereby is, conditionally approved.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's compliance with all terms and conditions of the letter of the Board Engineer, Frank J. Little, Jr., P.E., P.P., and C.M.E., dated March 10, 2017, as entered into evidence as Exhibit B-1.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon all construction at the property conforming to FEMA requirements and all building, fire and safety Codes.

BE IT FURTHER RESOLVED that this approval is subject to all conditions as contained herein and as placed on the record at the public hearing conducted on March 10, 2017 whereupon the building height of the addition will match the existing roof and shall not exceed 31.9 feet and any new air conditioning units shall conform to building setback requirements.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant obtaining all requisite permits and Applicant complying with all Federal, State and Local rules regulations and statutes and ordinances effecting this development.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant obtaining all outside agency approvals from all agencies having jurisdiction over this development.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required.

BE IT FURTHER RESOLVED that the Applicant is required to comply with all ordinances of the Borough of Harvey Cedars, and failure to specify compliance herein shall not be deemed a waiver or recommendation by the Zoning Board with respect to Borough Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that this approval is subject to all representations made by applicant and their witnesses as placed on the record at the public hearing conducted on March 16, 2017 when this matter was considered.



MARY PAT BREARLEY, SECRETARY

-CERTIFICATION-

I, MARY PAT BREARLEY, Secretary of the Land Use Board of the Borough of Harvey Cedars, County of Ocean and State of New Jersey, do certify that the foregoing is a true copy of a Resolution adopted by the Land Use Board of the Borough of Harvey Cedars at a public meeting held on April 20, 2017.



MARY PAT BREARLEY, SECRETARY