

**RESOLUTION OF MEMORIALIZATION OF THE  
LAND USE REVIEW BOARD OF THE BOROUGH OF HARVEY CEDARS  
COUNTY OF OCEAN AND STATE OF NEW JERSEY  
DOCKET NO. 2022-02**

**WHEREAS**, John and Christine McDonough have made application to the Land Use Review Board of the Borough of Harvey Cedars for a variance for Lot 1 in Block 20. The applicant proposes to locate a premade 18 ft. x 10 ft. shed on the easterly side of the property with a side yard setback of 6 ft. where 10 ft is required.

**WHEREAS**, the Land Use Review Board considered this application at a public hearing on March 17, 2022. The applicant was unrepresented. The application received 2/22/22 was entered into evidence as Exhibit A-1; A Plot Plan prepared by the Applicant was entered into evidence as Exhibit A-2; Specifications for a prefabricated Cape Cod type shed was entered into evidence as Exhibit A-3; Color photos (4) were entered into evidence as Exhibit A-4. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated 3/3/22 was entered into evidence as Exhibit B-1.

**WHEREAS**, John McDonough was sworn and testified as follows:

- a. He owns the property with his wife and has authority to speak on her behalf.
- b. The shed will have minimal visual impact due to existing screening.
- c. The unique size of the property creates a hardship.
- d. The shed will have electric but no plumbing.
- e. The existing shed and trailer to be removed.
- f. There will be no living quarters in the shed.

The hearing was opened to the public and on person spoke against the granting of the variance.

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

1. All jurisdictional requirements have been met.

2. The Applicants are the owners of the property and has standing to make this application.
3. The property is in the R-A Single-Family Residential District.
4. The Board adopts the contents of the March 3, 2022 letter from Frank J. Little, Jr., P.E., P.P. and entered in evidence as Exhibit B-1, as if set forth herein at length.
5. The Board finds that the property is of unique size which creates a hardship.
6. The Board finds that the adjacent properties are fully developed and there is no opportunity to acquire additional property.
7. The Board finds that the granting of a variance to locate an 18 ft. x 10 ft. premade shed within 6 ft. of the side yard where 10 ft is required can be granted without substantial detriment to the public good and without impairing the intent and purpose of the zone plan and zoning ordinances of the Borough of Harvey Cedars.
8. The benefits of granting the relief outweigh any detriment.
9. The pre-existing non-conforming conditions are not being expanded.
10. The proposed shed will not have a detrimental impact on open air and light of the adjacent properties.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Review Board of the Borough of Harvey Cedars that the relief requested by the applicants, John and Christine McDonough for variance relief is hereby granted.

**BE IT FURTHER RESOLVED** that the existing shed and trailer to be removed.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned on Applicants' 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 3, 2022, as entered in evidence as Exhibit B-2.

**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, statutes and ordinances effecting this development and proposed use.

**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 the veracity and reliance by the Board of the testimony offered at the hearing by applicant.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon Applicants' payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required. Applicant shall also pay and post all inspection fees, performance guarantees and maintenance bonds as may be required, in amounts established by the Borough Engineer, and in such form as required by the Borough Solicitor.

**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 Land Use Board with respect to Borough Ordinances, including the Zoning Ordinances.

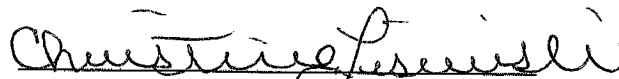
**BE IT FURTHER RESOLVED** that this approval is subject to all conditions and representations as set forth herein and as placed on the record at the virtual public hearing conducted on March 17, 2022 when this matter was considered.

**BE IT FURTHER RESOLVED** that this approval is subject to and conditioned upon applicants complying with all technical revisions and submissions as the Borough Engineer may require.

  
Christine Lisiewski, Secretary

#### CERTIFICATION

I, **Christine Lisiewski**, the Secretary of the Land Use Review 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 approved at the March 17, 2022 meeting and memorialized at the meeting held on April 21, 2022.

  
Christine Lisiewski, Secretary

