

**RESOLUTION OF MEMORIALIZATION OF THE  
TOWNSHIP OF OCEAN BOARD OF ADJUSTMENT**

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**DOCKET NO. 09-18-BA  
RESOLUTION NO. 2019-3**

RE: KAVENEY, MICHAEL  
Block 130, Lot 8.01  
159 Main Street  
Ocean Township, New Jersey 08758  
Application for a bulk variance

**WHEREAS**, MICHAEL KAVENEY, whose mailing address is 33 Central Avenue, Ocean Township, New Jersey 08758, has applied for relief pursuant to N.J.S.A. 40:55D-70(c), affecting premises located at Block 130, 8.01, as shown on the Tax Map of the Township of Ocean and otherwise known as 159 Main Street, in the Township of Ocean, State of New Jersey; and

**WHEREAS**, the Applicant is the owner of Lot 8.01 and 8.02. The Applicant's application is for the historic home on Lot 8.01. Lot 8.02 shall remain separate from Lot 8.01

**WHEREAS**, such proof of service as may be required by the New Jersey Statutory Law and Township Ordinance requirements upon appropriate property owners and governmental bodies has been duly furnished; and

**WHEREAS**, a public hearing was held on said application on December 20, 2018 in the Municipal Building of the Township of Ocean and testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard; and

**WHEREAS**, said Board having considered said application, testimony and exhibits submitted and inspection of the site, if any, makes the following findings:

1. The application is deemed complete pursuant to the applicable provisions of the

Township of Ocean Zoning Ordinance.

2. The property in question is Lot 8.01 of Block 130, within the Township of Ocean, Ocean County, New Jersey. The subject property is undersized and located in the C-1 General Commercial District and provides frontage on Main Street and Letts Lane. The Applicant is proposing an addition to an existing residential structure for a 14' x 16' kitchen and 2<sup>nd</sup> floor bedroom, and the construction of a new 22' x 32' detached garage.

3. Applicant seeks approval of all pre-existing nonconformances as follows;

A. **Minimum Lot Size (410-14.2.F):** The existing lot provides an area of 16,240 square feet, whereas a minimum area of 30,000 square feet is required.

B. **Minimum Lot Width (410-14.2.F):** The existing lot has a width of 80 feet, whereas a minimum width of 100 feet is required.

C. **Minimum Front Yard Setback (410.14.2.F):** The existing front yard setbacks to the structure are 14.1 feet and 25.8 feet, whereas a minimum front yard setback of 40 feet is required.

4. Applicant seeks the following variance approval:

A. **Minimum Lot Size (410-14.2.F):** The existing lot provides an area of 16,240 square feet, whereas a minimum area of 30,000 square feet is required.

B. **Minimum Lot Width (410-14.2.F):** The existing lot has a width of 80 feet, whereas a minimum width of 100 feet is required.

C. **Minimum Front Yard Setback (410.14.2.F):** The existing front yard setbacks to the structure are 14.1 feet and 25.8 feet, whereas a minimum front yard setback of 40 feet is required.

5. The applicant has provided testimony that the relief requested will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the Zoning Plan or Zoning Ordinance.

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

A. This applicant has demonstrated that the requested variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinances of the Township of Ocean.

**NOW, THEREFORE, BE IT RESOLVED**, by the said Board that on this        day of January 2019, based upon the findings herein above stated, the application, as drawn, is hereby granted subject to the following conditions, together with all stipulations of the applicant:

1. The applicant shall strictly adhere to all representations, plans and exhibits submitted with regard to the subject property and shall further comply in all respects with the technical review letter under date of October 29, 2018, as prepared by the Township of Ocean Zoning Board of Adjustment Engineer, a copy of which is annexed hereto and made a part hereof.

2. Applicant is granted approval of all pre-existing nonconformancies as follows;

A. **Minimum Lot Size (410-14.2.F):** The existing lot provides an area of 16,240 square feet, whereas a minimum area of 30,000 square feet is required.

B. **Minimum Lot Width (410-14.2.F):** The existing lot has a width of 80 feet, whereas a minimum width of 100 feet is required.

C. **Minimum Front Yard Setback (410.14.2.F):** The existing front yard setbacks to the structure are 14.1 feet and 25.8 feet, whereas a minimum front yard setback of 40 feet is required.

3. Applicant is granted approval for the following variances:

A. **Minimum Lot Size (410-14.2.F):** The existing lot provides an area of 16,240 square feet, whereas a minimum area of 30,000 square feet is required.

B. **Minimum Lot Width (410-14.2.F):** The existing lot has a width of 80 feet, whereas a minimum width of 100 feet is required.

C. **Minimum Front Yard Setback (410.14.2.F):** The existing front yard setbacks to the structure are 14.1 feet and 25.8 feet, whereas a minimum front yard setback of 40 feet is required.

4. The applicant shall further reimburse the Township of Ocean 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.

5. Notification of this favorable approval shall be published in an official newspaper of the Township of Ocean Zoning Board of Adjustment by the applicant within ten (10) days of its passage by the Board.

6. 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.

7. The applicant shall resubmit this entire application should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant, his attorneys or other professionals.

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JOHN PETROSILLI, CHAIRMAN  
TOWNSHIP OF OCEAN ZONING BOARD OF ADJUSTMENT

**CERTIFICATION**

The foregoing is a true copy of a memorializing Resolution by said Board at its  
Meeting of \_\_\_\_\_, 2019.

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STEPHANIE CAPACCIO, Board Secretary  
Township of Ocean Zoning Board of Adjustment