

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

**DOCKET NO. 04-19-BA
RESOLUTION NO. 2019-6**

RE: AKROYD, SUSAN
Block 105, Lot 5
1 Shore Drive
Ocean Township, New Jersey 08758
Application for a bulk variance

WHEREAS, SUSAN AKROYD, whose mailing address is 1 Shore Drive, Ocean Township, New Jersey 08758, has applied for relief pursuant to N.J.S.A. 40:55D-70(c), affecting premises located at Block 105, 5, as shown on the Tax Map of the Township of Ocean and otherwise known as 1 Shore Drive, in the Township of Ocean, State of New Jersey; and

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 March 21, 2019, 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 5 of Block 105, within the Township of Ocean, Ocean

County, New Jersey. The subject property is located in the R-HH Residential Zoning District and provides frontage on Shore Drive, approximately 370 feet southwest of the intersection with Admiral Way. The property is irregularly shaped and located at the end of a deadend street, with a large square cul-de-sac. The existing lot consists of an elevated 1-story dwelling with decks, stone yard, concrete driveway and bulkheading. The Applicant proposes to construct an elevator for handicap accessibility within the rear yard setback of the property, seeking a variance for the same. The dwelling has existing rear and front yard setback nonconformities.

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

A. **Minimum Lot Depth (410-14.2F)**: The lot depth required is 100 feet where 85 feet is existing.

B. **Minimum Front Yard Setback (410-14.2.F)**: The minimum front yard setback required is 20 feet where 15.6 feet is existing to the front deck.

C. **Minimum Rear Yard Setback (410-14.2.F)**: The minimum rear yard setback required is 25 feet where 8.8 feet is existing to the rear deck and 19.0 feet is proposed to the elevator.

4. Applicant seeks variance approval as follows:

A. **Minimum Lot Depth (410-14.2F)**: The lot depth required is 100 feet where 85 feet is existing.

B. **Minimum Front Yard Setback (410-14.2.F)**: The minimum front yard setback required is 20 feet where 15.6 feet is existing to the front deck.

C. **Minimum Rear Yard Setback (410-14.2.F)**: The minimum rear yard setback required is 25 feet where 8.8 feet is existing to the rear deck and 19.0 feet is proposed to

the elevator.

5. The Applicant was represented by Maria Stork, Esquire.

6. 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.

7. Joan Latacz and Ray Peterson testified that they were in favor of the application as they felt the Applicant was improving the home and enhancing the neighborhood.

8. 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.

B. The proposed dwelling will be in conformance with those presently existing in the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this day of April, 2019, 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 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 March 12, 2019, 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 nonconformities as follows;

A. **Minimum Lot Depth (410-14.2F)**: The lot depth required is 100 feet where 85 feet is existing.

B. **Minimum Front Yard Setback (410-14.2.F)**: The minimum front yard setback required is 20 feet where 15.6 feet is existing to the front deck.

C. **Minimum Rear Yard Setback (410-14.2.F)**: The minimum rear yard setback required is 25 feet where 8.8 feet is existing to the rear deck and 19.0 feet is proposed to the elevator.

3. Applicant is granted the following variance approval:

A. **Minimum Lot Depth (410-14.2F)**: The lot depth required is 100 feet where 85 feet is existing.

B. **Minimum Front Yard Setback (410-14.2.F)**: The minimum front yard setback required is 20 feet where 15.6 feet is existing to the front deck.

C. **Minimum Rear Yard Setback (410-14.2.F)**: The minimum rear yard setback required is 25 feet where 8.8 feet is existing to the rear deck and 19.0 feet is proposed to the elevator.

4. The exterior of the elevator shall be sided to match the siding on the exterior of the house.

5. 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.

6. 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.

7. 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.

8. 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.

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.

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