

APPLICANT: SCOTT AND INGRID HALL
ATTORNEY FOR APPLICANT: F. BRADFORD BATCHA, ESQ.
APPLICATION NUMBER: 2021-15
BLOCK: 23 AND 28
LOT: 64 AND 1 RESPECTIVELY
ADDRESS: 556 OCEAN AVENUE
RESOLUTION NUMBER: 2021-15



**RESOLUTION OF THE UNIFIED PLANNING/ZONING BOARD
OF THE BOROUGH OF SEA BRIGHT
FOR USE AND BULK VARIANCE RELIEF**

WHEREAS, BOARD MEMBER Marc A. Leckstein, Esq. offered the following Motion moved and seconded by **BOARD MEMBER** Vice Chairman David DeSio

WHEREAS, hereinafter referred to as the “applicant” filed an application with the Unified Planning/Zoning Board of the Borough of Sea Bright, (hereinafter referred to as the “Board”) seeking the following relief:

The applicant is seeking to elevate and expand an existing single-family residence. The applicant will seek the following variances.

1. The proposed elevation/addition expands the front yard set back of 4 ft. where 25 ft. is required.
2. The proposed elevation/addition expands the existing side yard setback of 4 ft. where 7 ft. is required.

Applicant also expressly makes application for any additional exceptions, waivers, variances, interpretations, and other approvals (as same may be further amended from time to time without further notice) and as may be determined to be necessary by the Board during the review and processing of the application.

WHEREAS, the application pertains to premises known and designated as Block 28, Lot 1 and Block 23, Lot 64 on the Tax Map of the Borough of Sea Bright, which premises are in the R-2 Zone located at 556 Ocean Avenue, Sea Bright, NJ 07760;

WHEREAS, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

WHEREAS the Board held a public hearing with regard to the referenced application on the following date, **NOVEMBER 9, 2021**:

WHEREAS, the following items were entered as Exhibits at the hearing which includes but is not limited to; any and all documentation as submitted and appearing on the Sea Bright website (seabrightnj.org) for presentation at the Public Meeting with public notice

Application No. 2021-15 Scott Hall and Ingrid Busson Hall, 556 Ocean Avenue, Block 23, Lot, 64 and Block 28, Lot 1

- Hall - Zoning Permit Denial (pdf)
- Hall - Application (pdf)
- Hall - Survey (pdf)
- Hall - Architectural Drawings (pdf)
- Hall - Photo (pdf)
- Mail Service - Part 1 (pdf)
- Mail Service - Part 2 (pdf)
- Affidavit of mailing (pdf)
- Tax and Sewer Certification, 11-9-21 (pdf)

Items produced as Additional Exhibits at hearing:

- EXHIBIT A-1, page C-101: part of the architectural plans: Additions and Renovations Plan prepared by Edward W. O'Neill, Jr., RA, dated 7/15/21, consisting of sheets 4 sheets, C-001, C-100, C-200, C-201
- EXHIBIT A-2: an undated photo
- EXHIBIT A-3, page C-100 of the architectural plans

WHEREAS The Board listened to the Testimony of the following:

- 1. SCOTT HALL, APPLICANT**
- 2. EDWARD W. O'NEILL, JR. (ARCHITECT AND PLANNER)**

WHEREAS The Board took Questions from the following member of the Public as to the witnesses presented:

- 1. DAVID JANAZZO – 174 OCEAN AVENUE, 3 WILLOW WAY – where are cars parked today? On Willow Way side.**

WHEREAS, The Board took Public Commentary on the Application upon conclusion of the witness testimony as follows:

- 1. NONE.**

WHEREAS, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. This is an application to elevate and expand a single family residence (new home) on the modified footprint of the prior house foundation.
2. The existing residence could not be renovated as it would exceed the 50% ordinance threshold and given that the building would have to be raised, it was the professional opinion of the applicant's architect that same would "fall apart" as the existing structure was not in good shape, had no sheathing with exterior pieces being nailed directly into studs.

3. Applicant proposes to build a basement and raise the house 4 feet, building a new 2 story structure (SFR) on the foundation. The deck in back will double as a carport. The sides of the deck/carport will be open to rear and front.
4. The finished attic adds square footage.
5. Lot coverage overall is reduced by 3%.
6. Variances are necessary as applicant cannot meet 25' set back on front and side yard (Willow Way). Should the setbacks be imposed, the lot would not be buildable. So, applicant can maintain 25' setback on Ocean Avenue but not on Willow Way.
7. Further, this is a corner lot. There are justifications for granting the requested variance under hardship. There is a hardship because the lot is on a corner, it has two front yards. The lot is large enough to build on, but the property is rendered unbuildable according to this interpretation in the zoning ordinance should the 25' setback be imposed on both sides.
8. Testimony was taken from the Applicant's Architect/Planner which the Board found credible:
 - a. Positive criteria. Applicant is replacing a dilapidated structure and removing a detached garage from rear. The property had 2 previous setback variances. Applicant, however, will now also comply with flood zone regulations as well. There will be room to park two cars under the overhang. Building coverage will be slightly reduced. **The height shown on the plans as presented will be revised down and will not require a height variance. Plans will be revised to so indicate and said revision is a condition of approval.**
 - b. NEGATIVE CRITERIA: None.
Utilities will not be in setback.
9. Additional discussion occurs with regard to parking and deck structure which is deemed inadequate for parking 2 cars side by side. Discussion involved how many cars could actually fit in the carport, and those cars are not allowed to be parked in the setback. Two cars technically can fit in the carport but would be a very tight fit. Also, the plans need to be corrected to show two cars. Councilman Leckstein suggested that cars would not realistically be parked side-by-side in the carport. Vice Chairman DeSio suggested that one car could be parked under the carport, and one car could be parked next to the carport in the setback if a variance were to be requested. Councilman Leckstein stated that he would have no problem with that and it is better to ask for a parking variance to allow parking in the setback.
10. Upon discussion, Applicant would be required to **REVISE THE PLANS TO SHOW 2 PARKING SPACES. THE ENTRANCE SHALL ONLY BE FROM WILLOW WAY.** The Board discusses the floor plan representation of cars under the deck (A-3) and if 2 cars will fit. Applicant suggests adjusting the entry deck. Board Member DiSeo suggests reduction of the the deck to 3 feet, then will have 16 feet for parking. However, the Board suggests the alternative is to amend the application and request a variance for parking in the setback as two spaces are required, and the deck area as shown will not allow for same.
11. **Applicant, upon Board discussion, amends their application on record in accordance with Public Notice for an additional variance to allow parking in the setback for the required 2 spaces without modification of the exterior deck above on Willow Way.**

WHEREAS, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be

granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Unified Planning/Zoning Board of the Borough of Sea Bright that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- a. Based upon the aforesaid findings of fact, the Board concludes that:
 - i. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
- b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Borough of Sea Bright.
- c. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

BE IT FURTHER RESOLVED, by the Unified Planning/Zoning Board of the Borough of Sea Bright that the following be and are hereby **GRANTED, as follows**:

The applicant is granted variances to elevate and build on the footprint of the existing single-family residence with modifications per the plans submitted in support of this application. The applicant is granted the following variances.

1. The proposed elevation/addition expands the front yard setback of 4 ft. where 25 ft. is required.
2. The proposed elevation/addition expands the existing side yard setback of 4 ft. where 7 ft. is required.

As a condition of approval, the following shall be revised by the applicant and approved by the Board Engineer:

- a. **The height shown on the plans as presented will be revised down and will not require a height variance. Plans will be revised to so indicate and said revision is a condition of approval.**
- b. **Applicant, upon Board discussion, is granted an additional variance to allow parking in the setback on the Willow Way side of the subject property in accordance with the amendment of the application on the record as referenced above for the required 2 parking spaces without modification of the exterior deck in the current plans submitted. However, as a condition of approval, the plans will be revised to show the 2 parking spaces as discussed and directed on the Record, which**

revision of plans is subject to review and approval by the Board Engineer.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:
 - a. SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

APPLICATION VOTE:

Adopted on a roll call on a motion by Board member Marc A. Leckstein and Seconded by Board member David DeSio

THOSE IN FAVOR: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Gorman, Leckstein

THOSE OPPOSED: None

RECUSED: None

ABSENT: Kelly, Schwartz

ABSTAINED: None

MEMORIALIZATION VOTE:

Adopted on a roll call on a motion offered by Board member Marc A. Leckstein and Seconded by Board member Lance Cunningham

THOSE IN FAVOR: Cashmore, Cunningham, DeSio, Gorman, Leckstein

THOSE OPPOSED: None

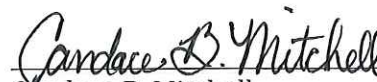
RECUSED: None

ABSENT: Bills, DeGiulio

ABSTAINED: None

I certify the foregoing to be a true copy of the Resolution memorialized by the Unified Planning/Zoning Board of Sea Bright at its meeting on January 11, 2022.

Date: January 11, 2022


Candace B. Mitchell
Administrative Officer of the Unified Planning
Board of the Borough of Sea Bright

