

RESOLUTION
Borough of Union Beach
Planning Board
In the Matter of James Renard
Application No. 2151
Decided on July 25, 2018
Memorialized on September 26, 2018
Approval for Bulk Variance Relief

WHEREAS, James Renard (hereinafter the “Applicant”) has made an application to the Borough of Union Beach Planning Board for approval of a bulk variance to construct a front porch and overhang on a single family dwelling at 511 Shore Road, also known as Block 212, Lot 12 on the Tax Map of the Borough, in the R-8 Zone; and

WHEREAS, a public hearing was conducted on July 25, 2018; and

WHEREAS, the Applicant appeared pro se;

NOW THEREFORE, the Planning Board makes the following findings of fact, based upon evidence presented at its public hearing, at which a record was made.

Mr. Renard testified in support of the following ‘c’ (bulk) variance being requested:

1. Section 13-5.5. (c) – states that a required yard shall be open and unobstructed except for ordinary projections, with a maximum of 24 inches. The applicant proposes to add a 5’10” by 8’ front porch with overhang and concrete slab with no stairs.

There were no members of the public expressing an interest in asking any questions of the Applicant or willing to express an opinion for or against the application.

NOW THEREFORE, the Planning Board makes the following conclusions of law, based upon the findings of fact.

The application before the Board seeks approval for bulk variance relief to construct a new front porch and overhang on a single family home on 511 Shore Road in the R-8 Zone. The use is permitted in the zone. There is the need for the bulk variance as described above.

With respect to the bulk variances, the Municipal Land Use Law, at N.J.S.A. 40:55D-70(c) provides Boards with the power to grant variances from bulk and other non-use related Ordinance requirements when the Applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the Applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An Applicant may show that exceptional topographic conditions; physical features, or other extraordinary circumstances exist which uniquely affect the specific piece of property and limit its development potential in conformance with Ordinance requirements, such that the strict application of a regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Alternatively, under the (c) (2) criteria, the Applicant has the option of showing that in a particular instance relating to a specific piece of property, the purposes of the Act would be advanced by allowing a deviation from the Zoning Ordinance requirements and that the benefits of any deviation will substantially outweigh any detriment. These tests specifically enumerated above constitute the affirmative proofs necessary in order to obtain "bulk" or (c) variance relief. Finally, an Applicant for these variances must also show that the proposed relief sought will not cause a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. The burden of proof is upon the Applicant to establish that these criteria have been met.

Based upon the application, plans, reports and testimony placed before the Board, the Board finds that the Applicant has met the requirements of the Municipal Land Use Law, case law and City ordinances so as to grant the relief requested. Pursuant to these criteria, the purposes of the Municipal Land Use Law will be advanced and the benefits of granting the relief requested clearly outweigh the detriments. The relief before the Board is triggered due to the 24" limit in the Ordinance. The front porch, as proposed, is consistent with the R-8 Zone. There is no detriment to the intent and purpose of the Zoning Ordinance or Master Plan. The benefits of the addition of the porch to this single family home outweigh any detriments from granting this relief.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Union Beach that the application of James Renard for property located at 511 Shore Road in the R-8 Zone, requesting bulk variance approval is determined as follows:

1. The bulk variance as recited herein is approved pursuant to N.J.S.A. 40:55D-70(c).

IT IS FURTHER RESOLVED that the above approval is subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. This approval is granted strictly in accordance with the plans prepared by Kevin Roy (1 Sheet) and survey by Leo A. Kalieta, P.L.S.;
3. The Applicant shall comply with all requirements and any subsequent reports with respect to this application or subsequent applications.

4. Payment of all fees, costs and escrow due or to become due. Any monies are to be paid within 20 days of said request by the Board Secretary.

5. Certification of taxes have been paid to the date of approval.

6. Monmouth County Soil Conservation District approval. (if necessary).

7. Municipal Board of Health approval, if required.

8. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official, an affidavit verifying that the Applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.

9. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Union Beach, County of Monmouth, State of New Jersey or any other jurisdiction.

The undersigned secretary certifies the within decision was adopted by this Board and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on September 26, 2018.


Madeline Russo, Planning Board

FOR: 9

AGAINST: 0

ABSTAIN: 0

Board Member(s) Eligible to Vote: 9

Y Steiner Y Wells Y Moniz Y Connors AB Farese
Y Andreuzzi Y Cavallo Y Hordley Y Wade