

**LONG BEACH TOWNSHIP LAND USE BOARD
RESOLUTION OF MEMORIALIZATION**

WHEREAS, application has been made to the Long Beach Township Land Use Board by RALPH DeSIMONE and JENNIFER DeSIMONE, the owners of the lands and premises known and designated as Lot 10 in Block 11.06 on the Official Tax Map of Long Beach Township, which lands and premises are located at 124 East Louisiana Avenue, Beach Haven Gardens, New Jersey, for bulk variances to permit the demolition of the existing single family dwelling and the construction of a new three story single family dwelling; and

WHEREAS, the jurisdictional requirements of N.J.S.A. 40:55D-12 have been satisfied in that notice of this application has been given to all property owners within two hundred (200') feet of the property in question and notice of this application has been duly published in the Beach Haven Times, the official newspaper of the Township, all as required by law; and

WHEREAS, the Long Beach Township Land Use Board, after carefully considering the application, plans, exhibits, and testimony presented by the Applicants, as well as the representations of the Applicants' attorney, Richard P. Visotcky, Esquire and members of the public at the hearing conducted on July 8, 2020, has made the following findings of fact:

- (1) The premises are an ocean-front lot and has the dimensions of 40 feet in width by 231 feet in depth, and a total lot area of 9,240 square feet (5,365.87 West of the Building Line).
- (2) The premises are in the R-50 Residential Zone and are improved by a two-story single-family dwelling.
- (3) The Applicants propose to demolish the home and construct a new, three-story single-family dwelling on the premises.
- (4) The Applicants require a bulk variance from the required 15-foot side yard setback from Louisiana Avenue where 10 feet is existing, and 11 feet is proposed.
- (5) The Applicants also require a bulk variance from the required 20-foot rear yard setback where 29.60 feet is existing, and 10 feet is proposed.
- (6) The Board specifically incorporates herein the plans prepared by Horn, Tyson & Yoder, Inc., Consulting Engineers, entitled, "Variance Plan, Lot 10, Block 11.06, Tax Map Sheet #13 Long Beach Township, Ocean County, New Jersey" dated 01/17/2016 bearing the latest revision date of 05/08/2020.
- (7) The Board specifically incorporates herein the plans prepared by

Jay Madden Architect, entitled "DeSimone Residence, Lot 10, Block 11.06, 124 E. Louisiana Avenue, Beach Haven Park, NJ 08008" dated 05/08/2020 bearing no revision date.

(8) The Board finds that the dwelling as proposed is designed to be in keeping within the size of the lot and will meet all other bulk requirements of the R50 zone with the exception of the requested two variances.

(9) The Board notes that the removal of the existing structure and replacement with a new, aesthetically pleasing dwelling that will meet all building and flood code requirements substantially outweighs the detriment of granting the one variance requested.

(10) The Board specifically finds that the Applicants have established the positive and negative criteria for the grant of a variance under N.J.S.A. 40:55D-70C (1). The lot is narrow and leaves little room to construct a dwelling that will comply with both the rear setback and the setback from the street. If the Applicants constructed a conforming dwelling that dwelling would be so small that it would not be in keeping with the other ocean-front homes in the neighborhood.

(11) The Board notes that the proposed 11-foot set back from the street is an improvement over the current 10-foot setback.

(12) The rear yard setback of 10 feet where ~~15 feet~~ 20 feet is required is a de minimus variation under the facts of this application as the rear yard lot line abuts the driveway to the adjacent lot.

(13) The construction as proposed will not impede the free flow of light and air to the surrounding properties.

(14) The proposed construction is an aesthetic improvement over the existing dwelling and the construction will meet all bulk requirements except the rear yard setback and the setback from Louisiana Avenue.

(15) The subject lot is narrow at only 40 feet in width and a variance from the required 15-foot setback from Louisiana Avenue is

(16) The Board specifically finds that the design of the new home that is proposed is a good design for the home on this lot and that the home as designed will be an asset to the neighborhood and is in keeping with the other homes in the neighborhood.

(17) The applicants' engineer testified that the applicant will be providing four (4) off street parking spaces.

(18) The denial of the variance requested will deprive the Applicants of a fair and reasonable use of their property without any corresponding benefit to the public good.

NOW THEREFORE, BE IT RESOLVED this 12th day of August, 2020, that application of RALPH DeSIMONE and JENNIFER DeSIMONE, be and is hereby granted in accordance with the application, drawings and the plans prepared by Horn, Tyson & Yoder, Inc., Consulting Engineers, entitled, "Variance Plan, Lot 10, Block 11.06, Tax Map Sheet #13 Long Beach Township, Ocean County, New Jersey" dated 01/17/2016 bearing the latest revision date of 05/08/2020 and the plans prepared by Jay Madden Architect, entitled "DeSimone Residence, Lot 10, Block 11.06, 124 E. Louisiana Avenue, Beach Haven Park, NJ 08008" dated 05/08/2020 bearing no revision date as submitted by the Applicants. The relief granted, however, is subject to the following conditions:

- a) That the applicant provides four (4) off street parking spaces.
- b) That the Applicants apply for all required building permits in due form within nine (9) months of the date hereof; and
- c) That all codes and ordinances be complied with other than as varied herein.

This Resolution is intended to memorialize the action taken by the Long Beach Township Land Use Board of July 8, 2020

Moved by: ROTH

Seconded by: PINGARO

ROLL CALL VOTE:

Ayes: HUMMEL, PINGARO, SOUTHWICK, VANBUREN, ROTH, CAPLICKI, DUCKER and MEEHAN

Nays: NONE

Certified to be a true copy of a Resolution adopted at a Regular Meeting of the Land Use Board held on August 12, 2020.

Dated: August 12, 2020

Ronald Pingaro, Secretary

Publication Date: August 20, 2020