

**RESOLUTION OF MEMORIALIZATION OF THE LAND USE
BOARD OF THE BOROUGH OF HARVEY CEDARS COUNTY OF
OCEAN AND STATE OF NEW JERSEY
DOCKET NO. 2019:07**

WHEREAS, Paul F. Carroll and Tracy L. Carroll have made application to the Land Use Board of the Borough of Harvey Cedars for variances to permit them to install a detached shed within the front yard setback of their property located as 6306 Long Beach Boulevard, known and designated as Lot 4 Block 33 in the Borough of Harvey Cedars, County of Ocean and State of New Jersey; and

WHEREAS, this matter was presented to the Land Use Board at a public hearing on September 19, 2019. The applicant Paul F. Carroll appeared pro se. The application dated August 27, 2019 was entered into evidence as Exhibit A-1; a portion of Plot Plan of Survey of the subject property, the title block was cut off and the name of the preparer was not reflected on the document provided, was entered into evidence as Exhibit A-2; a photograph of the front of the property with a “photo shop” insert purportedly placing a detached shed within the front yard setback was entered into evidence as Exhibit A-3. The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated September 11, 2019 was entered into evidence as Exhibit B-1. Testimony was offered by Paul F. Carroll, the applicant. There was not any public comment offered.

WHEREAS, the Land Use Board after considering the Application, documentation entered into evidence, testimony of the witness and has made the following factual findings:

1. All jurisdictional requirements have been met.
2. The property is located in the RA Single Family Residential Zone.
3. The property fronts on Long Beach Boulevard and extends to the Barnegat Bay; the lot has dimensions of 50.00 x 181.89 irregular. The property is improved with a two (2) story single family home. The lot area is approximately 8,990 square feet; the building coverage is approximately

26.0 feet (with the shed as drawn on the plan entered into evidence as Exhibit A-2). The existing front yard setback is 84.13 feet; the existing rear yard setback is 15.4 feet. The side yard setbacks are nonconforming at 7.9 feet and 8.12 feet; ten (10) foot side yard setbacks are required.

4. Applicants proffer that they do not have any outside storage at the site; they do not have adequate space to locate a detached storage shed in either of the side yard setbacks; or in the rear yard setback. Applicants proposed to place a detached shed in their front yard setback at a setback of not less than 60.00 feet.
5. The location of the shed will not interfere or limit the existing parking areas within the front yard setback.
6. Harvey Cedars Ordinance Section 13-7.7 mandates the following: *13-7.7 Accessory Buildings in All Districts. An accessory building shall be subject to the following requirements:*
 - a. *All accessory buildings must meet the area and yard requirements of the district.*
 - b. *They shall not be located in any required front yard space.*
 - c. *Such buildings shall not exceed one (1) story or fifteen (15) feet in height.*
 - d. *The minimum distance of any accessory building from an adjoining building shall be five (5) feet.*
 - e. *Accessory buildings may be erected as a part of the principal building provided that all yard requirements of this chapter for the principal building are complied with.*
(Ord. No. 2001-02 § 1)
7. Applicant is requesting variance relief from Ordinance Section 13-7.7 b. The proposed detached shed will not exceed one story or 15 feet in height; and the area and yard requirements of the RA Zone will be met; the shed will not create excessive building or impervious coverage; and will be located within conforming side yard setbacks; it will also be located at

least five (5) feet from an adjoining building. Variance relief is requested as it is the intention of the applicants to locate the shed within the front yard setback.

8. The Board finds that the placement of the shed as intended at this site at least 60 feet from the front of the property will not have any impact upon adjoining properties; there will not be any impact upon light, air or open space; and it will not impede or affect any vehicular or pedestrian traffic.
9. Applicants have not determined the exact dimensions of the shed, however they have limited the size of the proposed shed to 12 x 16 feet; the height shall conform to one story and shall not exceed 15 feet.
10. The shed will be installed in accordance with all building, flood, fire and safety codes, and but for the being located within the front yard setback, shall conform to all zoning requirements for an accessory building.
11. The Board adopts the September 11, 2019 letter from Owen Little Associates, under signature of Frank J. Little, Jr., as if set forth herein at length; and

WHEREAS, the Land Use Board of the Borough of Harvey Cedars has determined that the relief requested by the applicants Paul F. Carroll and Tracy L. Carroll for variances to permit them to install a detached shed within the front yard setback of their property located as 6306 Long Beach Boulevard, known and designated as Lot 4 Block 33 in the Borough of Harvey Cedars, County of Ocean and State of New Jersey can be granted without substantial detriment to the public good and without impairing the intent and purposes of the zone plan and zoning ordinances of the Borough of Harvey Cedars, the proposed shed, with dimensions of not more than 12 x 16 feet, will not impede the light or air of surrounding properties; or of pedestrian and vehicular traffic on Long Beach Boulevard; and the parking at the site will not be impacted.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Harvey Cedars that the application of Paul F. Carroll and Tracy L. Carroll for variances to permit them to install a detached shed with dimension not greater than 12 x

16 feet within the front yard setback of their property located as 6306 Long Beach Boulevard, known and designated as Lot 4 Block 33 in the Borough of Harvey Cedars, County of Ocean and State of New Jersey be and hereby is, conditionally approved.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's compliance with all terms and conditions of the letter of the Board Engineer, Frank J. Little, Jr., P.E., P.P., and C.M.E., dated September 11, 2019, as entered into evidence as Exhibit B-1.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon all construction at the property conforming to FEMA requirements and all building, fire and safety Codes.

BE IT FURTHER RESOLVED that this approval is subject to all conditions as contained herein and as placed on the record at the public hearing conducted on September 19, 2019.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant obtaining all requisite permits and Applicant complying with all Federal, State and Local rules regulations and statutes and ordinances effecting this development.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant obtaining all outside agency approvals from all agencies having jurisdiction over this development.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required.

BE IT FURTHER RESOLVED that the Applicant is required to comply with all ordinances of the Borough of Harvey Cedars, and failure to specify compliance herein

shall not be deemed a waiver or recommendation by the Land Us Board with respect to Borough Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that this approval is subject to all representations made by applicant, as placed on the record at the public hearings conducted on September 19, 2019 when this matter was considered.

MARY PAT BREARLEY SECRETARY

-CERTIFICATION-

I, MARY PAT BREARLEY, Secretary of the Land Use Board of the Borough of Harvey Cedars, County of Ocean and State of New Jersey, do certify that the foregoing is a true copy of a Resolution adopted by the Land Use Board of the Borough of Harvey Cedars at a public meeting held on October 18, 2019.

MARY PAT BREARLEY, SECRETARY