

**TOWNSHIP OF BERKELEY  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING AGENDA  
OCTOBER 10, 2012  
6:30 PM PUBLIC HEARING**

- A. SALUTE TO THE FLAG
- B. ROLL CALL, DECLARATION OF QUORUM
- C. SUNSHINE ACT STATEMENT: This meeting was advertised in the Asbury Park Press, posted on the Township's bulletin board as required by the "Open Public Meeting Act".
- D. Please be advised that there is to be **NO SMOKING** in this building in accordance with New Jersey Legislation.
- E. OLD/NEW BUSINESS:

F. AGENDA

1. **William & Diane Veliky** **BOA # 12-5410**

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Variance requested	Rear setback & Lot Coverage
Project	Addition of a new living space area
Block 10.01	Lot 15
Address: 10 Tilbury Court	Zone: RDA

Denial reads: **"Applicant proposes to construct a 13 ft. x 33 ft. living space addition leaving an 8' setback where 20' is required"**.

2. **\*\*\*Patricia Mullin** **BOA # 12-5203**

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Variance requested	Front Yard Setback & Exceeding Lot coverage
Project:	Front porch, 2 <sup>nd</sup> level front deck, rear 2 <sup>nd</sup> level living space addition and a deck.
Block 1689.06	Lot 27
Address: 322 Roberts Avenue, South Seaside Park	Zone: R-31.5

Denial reads: **"Applicant proposes to construct a front porch addition and a 2<sup>nd</sup> level deck both leaving 14 ft. setback where 20 ft. is required and a rear yard 2 level living space addition and deck. The total construction will increase lot coverage to 43.6% where 35% is maximum allowed"**.

\*\*\*APPLICANT REQUESTED TO BE CARRIED

- G. RESOLUTIONS – RCT Block 1014, Lot 17
- I. VOUCHERS
- H. ADJOURNMENT



# Ernst, Ernst Lissenden

A New Jersey Corporation

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Carl P. Werner, L.S., P.P.  
Harold Mathis, Jr., L.S., P.P.

September 24, 2012

Berkeley Township Zoning Board of Adjustment  
Pinewald-Keswick Road  
P.O. Box B  
Bayville, NJ 08721

Re: **BOA #12-5410**  
**Applicant: William & Diane Veliky**  
**Application: Rear Setback & Lot Coverage**  
**Block 10.01, Lot 15**  
**Fronting on Tilbury Court**  
**Zone: RDA**  
**EE & L Project No. 12B4533-7 V01**

Dear Ms. Kazmac:

Our office has received for review the following variance application submitted for the above referenced property for completeness. The following comments are offered in regard to same:

The denial letter issued August 21, 2012 by the Zoning Official states that the "applicant proposes to construct a 13 ft. x 33 ft. living space addition" leaving an 8 ft. setback where 20 ft. is required.

It should be noted that the lot coverage will increase from 38.9% to 47.2%; whereas 20% maximum is allowed.

### A. Completeness

1. Based upon our review, we recommend that this **application be deemed complete** subject to the Applicant complying with all applicable notification requirements as set forth in the Berkeley Township Land Use Ordinance and the Municipal Land Use Law. As such, this application is being placed on the Berkeley Zoning Board of Adjustment's **October 10, 2012** meeting agenda.
2. Notice to property owners and the newspaper (published) must be provided no later than 10 days prior to the meeting date and all proofs of service must be in the Municipal Planning and Zoning office no later than 5 days prior to the meeting. Should you have any questions with regard to noticing requirements, contact the Board office at 732-244-7400.

### B. General Comments

The property is located on the south side of Tilbury Court approximately 240 ft. east of Prince Charles Drive within the RDA Zone and comprises an area of 5,054.43 s.f. The site has been developed with a one story frame dwelling unit, wood shed and concrete patio. Concrete curb, sidewalk and paved road fronts the property.

The site lies within Flood Zone X (un-shaded), which is an area determined to be outside the 0.2% annual chance flood plain.

The applicant proposes to construct a 12' 8" x 33' 0" living space at the rear of the existing dwelling unit which will reduce the existing rear yard setback from 20.8 ft. to 8.1 ft. In addition this will cause the existing non-conforming lot coverage to increase from 38.9% to 47.2%.

### C. Variances Requested and Items of Discussion

1. A rear yard setback variance is required as the proposed rear yard setback to the building addition is 8.1 ft.; whereas 20 ft. minimum is required. It should be noted that the rear of the lot is adjacent to a 31 ft. ± Open Space Green Area which is between the rear lot line and Mule Road.

Re: BOA #12-5410  
Applicant: William & Diane Veliky  
Application: Rea Setback & Lot Coverage  
Block 10.01, Lot 15  
Fronting on Tilbury Court  
Zone: RDA  
EE & L Project No. 12B4533-7 V01



2. A variance for lot coverage is required as the proposed lot coverage is 47.2%; whereas 38.9% is existing and 20% maximum is allowed.
3. The applicant should provide testimony supporting the granting of the variances.
4. Is there adequate slope across the rear property line as it appears that a slope of 0.5% is existing. Can the slope be increased?
5. How many total bedrooms will the dwelling unit have with the proposed addition? Will the dwelling unit have parking conforming to R.S.I.S.?
6. The Board must determine that either the property in question meets any or all of the conditions established above, and/or that the strict adherence to the standards of the Berkeley Township Land Development Ordinance would cause undue hardship to the property owner, and also be satisfied that the granting of the variance will not cause any detriment to the public good, or the Zoning Plan (Master Plan).

**D. Conditions and Recommendations**

Should the Board determine that the relief requested should be granted, we recommend that the approval be conditioned upon the following:

1. The Applicant shall obtain any and all agency approvals, including but not limited to, CAFRA, NJDEP, Building Department, Fire Department, Health Department, and Engineering Departments, etc., if required.
2. The Applicant certifying that the proposed building addition does not encroach into existing easements (i.e., shade tree, utility, drainage, etc.) without proper consent from the Township, or other party involved, if any.
3. The Applicant shall submit payment of any and all outstanding professional review fees of the Board and the Township.
4. The Applicant shall provide all required plans necessary to show compliance with all required Building Codes and Ordinances, to the Building Department at the time of the permit application.

We reserve the right to request additional information, and/or plans should additional variances or concerns be indicated during the public hearing.

Should you have any questions or we can be of any further assistance on this matter, please do not hesitate to call our office.

Very truly yours,



John J. Mallon, PE  
Zoning Board Engineer

JJM/jet

cc Anna Wainwright, Board Planner  
Alex Pavliv, Board Attorney  
William & Diane Veliky, Applicants  
John Doyle, esq., Applicant's Attorney  
East Coast Engineering, Applicant's Engineer  
File



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**MEMO:** Berkeley Township Zoning Board of Adjustment

**FROM:** Ar.na Wainright, P.P., A.I.C.P. *AW*  
Zoning Board Planner

**DATE:** October 1, 2012

**RE:** Veliky, William & Diane  
**PLANNING REVIEW-#1**  
**Application: Addition**  
**Block 10.01 Lot 15**  
**Address: 10 Tilbury Court**  
**Zoning District: RDA Rural Development Recreation Zone**  
**Plan Title: Survey Map, Block 10.01, Lot 15**  
**Prepared by: Jay F. Pierson, P.L.S., P.P , dated 8-6-12**  
**BOA#: 12-5410**  
**Our File: 1506-Z-142**

As requested, our office has reviewed the above named variance application and offer the following comments and recommendations:

**Zoning Requirements:**

**RDA Zone - PRRC R-400 - §35-110.10 & §35-101.6**

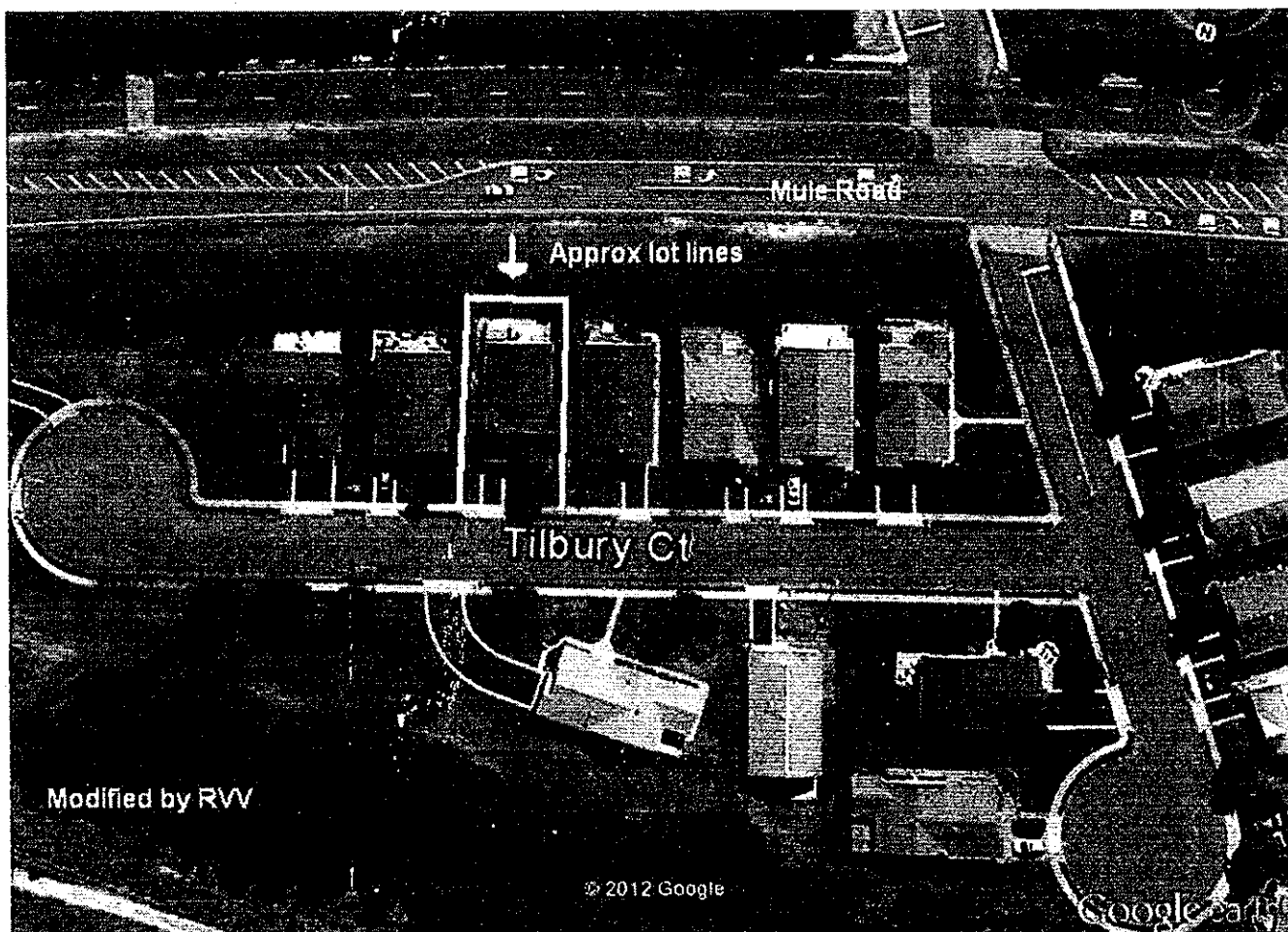
<u>Principal Bldg</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance Required</u>
Minimum Lot Area	5,000 SF	5,054.53 SF	5,054.53 SF	None
Minimum Lot Width	50 FT	50 FT	50 FT	None
Front Yard Setback	20 FT	20.8 FT	20.8 FT	None
Rear Yard Setback Structure	20 FT	21.7 FT	8.1 FT	Variance Required
Side Yard Setback	5 FT	8.3 FT	8.3 FT	None
Side Yard Combined	15 FT	16.6 FT	16.6 FT	None

**A. PROJECT OVERVIEW**

The denial states that the "Applicant proposes to construct a 13' X 33' living space addition leaving 8' Setback where 20' is required."

It appears that the Applicant is proposing to construct a 13' X 33' addition to the rear of the existing single family home, which is located in the RDA section of the PRRC Holiday Heights development. The addition is intended to create a new bedroom and sun room on the rear of the existing structure. The addition is proposed to be constructed over an existing patio, and in place of an existing shed. No additional impervious coverage is proposed.

Even though the home is located in the more restrictive RDA Zone, existing homes located within the existing PRRC developments are to comply with the PRRC R-400 standards and regulations.



**B. GENERAL REVIEW COMMENTS**

1. Pursuant to the MLUL Section 40:55D-70, the Board of Adjustment may grant a bulk variance request if:
  - c.(1) where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.

The Board must determine that either the property in question meets any or all of the conditions established above, and/or that the strict adherence to the standards of the Berkeley Township Land Development Ordinance would cause undue hardship to the property owner. The Board must also be satisfied that the granting of the variance will not cause any detriment to the public good, or the Zoning Plan (Master Plan).

**C. RECOMMENDATIONS**

1. The Applicant should be prepared to describe to the Board the reasons for the addition and the reasons for their "hardship" as described above.
2. The Applicant should be prepared to describe and provide photos of the existing neighborhood, and conditions in existing rear yards in a comparison to the proposed addition.
3. The Applicant should provide testimony and photos to show the existing conditions of the existing landscaping "easement" in the rear yard, which separates them from Mule Road.

**D. CONDITIONS AND RECOMMENDATIONS**

Should the Board determine that the relief requested should be granted, we recommend that the approval be conditioned upon the following:

1. The Applicant certifying that the proposed addition will not encroach into existing easements (i.e., shade tree, utility, drainage, etc.) without proper consent from the Township, and/or appropriate other involved party.
2. The Applicant should provide testimony regarding mitigation measures proposed to ensure that the new addition does not create any drainage or stormwater runoff onto adjacent properties.
3. The Applicant is to submit payment of any and all outstanding professional review fees of the Board and the Township.

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4. The Applicant provide all required plans necessary to show compliance with all required Building Codes, to the Building Department at the time of the permit application.

We reserve the right to request additional information, and/or plans should additional variances or concerns be indicated during the public hearing.

Should you have any questions or we can be of any further assistance on this matter, please don't hesitate to call our office at 732-286-9220.

God Bless America

REMINGTON, VERNICK & VENA ENGINEERS

ARW/ktr

cc: J. Mallon, P.E. – Board Engineer  
A. Pavliv, Esq. – Board Attorney  
William & Diane Veliky – Applicant