

RESOLUTION OF APPROVAL
FOR CONSTRUCTION ADDITION TO REAR OF EXISTING SINGLE FAMILY HOME

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 15 LOT 18
Application # 15-01
PATRICK DEVENNY
138 WASHINGTON STREET

WHEREAS, Patrick Devenny has applied to the Unified Planning Board of the Borough of Keyport for approval to construct an addition to the rear of his existing single family home located at 138 Washington Street which is officially designated as Block 15, Lot 18 on the official Tax Map of the Borough of Keyport; and

WHEREAS, the applicant has provided notice to all property owners within two hundred feet and have caused notice to be published regarding said application in accordance with N.J.S.A. 40:55D-1 et. seq., this Board gaining jurisdiction thereunder; and

WHEREAS, a public hearing was held in the within matter during a regularly scheduled meeting of the Unified Planning Board held on July 28, 2016 and;

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicant and the review of the Borough experts;

NOW THEREFORE, be it Resolved by the Unified Planning Board of the Borough of Keyport that the following findings of facts are made:

1. The applicant, Patrick Devenny, who was present at the meeting, was placed under oath and gave testimony in support of the application.
2. Mr. Devenny indicated he is the owner of an existing single family home located at 138 Washington Street which is officially designated as Block 15, Lot 18 as shown on the official Tax Map of the Borough of Keyport.
3. This subject property is located in the Borough's RA (Residential Zone) in which single family homes are a permitted use.
4. Mr. Devenny testified that he wished to constructed an addition to the rear of his existing house. He noted that the dwelling is currently one story. He would like to add an additional story to the home, as was as expand the first floor.
5. In support of the application, the Mr. Devenny marked into evidence the following exhibits:
Exhibit A-1: Zoning Denial letter dated January 7, 2016.
Exhibit A-2: "Application To Planning Board" dated January 12, 2016.
Exhibit A-3: Survey of the subject property, dated May 28, 2015, as prepared by Charles Surmonte, P.E. & P.L.S.
Exhibit A-4: Architectural Plans, dated February 23, 2015 and consisting of two (2) sheets,

as prepared by Robert Gorski, P.A.

6. In addition to the exhibits presented by the applicant, the Board also marked its own **Exhibit B-1** which was the "Third Engineering and Planning Review" letter dated June 16, 2016 and authored by the Board's Engineer, Francis W. Mullan, P.E., C.M.E. and its Planner, Stan Slachetka, P.P.
7. The following bulk variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(c) were necessitated by this application:

Bulk Standard	Required	Existing	Proposed
Minimum Lot Area (Sq. Ft.)	7,500 sq. feet	4,800 sq. feet	4,800 sq. feet
Minimum Lot Width (Feet)	75 feet	40 feet	40 feet
Minimum Front Yard Setback (Feet)	20 feet	12.4 feet	12.4 feet
Minimum Side Yard Setback (Feet)	6/16 feet	1.2/14.7 feet	1.0/15.2 feet

8. As recognized in the Board Engineer's Review Letter (**Exhibit B-1**), each of the above conditions represents a pre-existing non-conformity with the exception of the minimum side yard setback which, although currently non-conforming, was being further exacerbated by the applicant's proposal.
9. Mr. Devenny testified he wished to expand the rear of the house to provide more room for his family. Changes were only being made to the rear of the dwelling. The existing rear deck, as shown on the survey marked into evidence as **Exhibit A-3**, was going to be removed. In its place, as shown on the architectural plans marked into evidence as **Exhibit A-4**, would be a new rear porch with steps leading to that porch being installed. Additionally, as further depicted on **Exhibit A-4**, a new second floor addition would be added to the rear of the home.
10. It was noted that the front of the home would remain the same as it appears today.
11. Mr. Devenny indicated that as a condition of approval, he would agree to ensure that all downspouts from the house would lead water runoff to the street or into his backyard. The runoff would not lead to the yards of any neighbor.
12. Mr. Devenny further agreed, as a condition of approval, that the materials used for the proposed addition would match those of the existing home so that the aesthetics of the house would be consistent throughout.
13. It was the applicant's opinion that once construction was completed, the home would look much better than it currently does which would act as an improvement for the neighborhood.
14. Finally, Mr. Devenny testified that no trees or soil would be removed from the property. He agreed as a condition of approval, that notes would be added to the architectural plans confirming this fact.

15. Michael Lane, 51 First Street, Keyport, was sworn and indicated he had no objections to the application as the applicant had agreed to ensure the materials used for the addition would be consistent with the remainder of the home.
16. Bob Ludwig, 50 Beers Street, Keyport, was sworn and indicated that he was concerned with the fact that runoff from the downspouts might lead to the streets. He was worried that if the water froze over, someone might slip and hurt themselves. Francis Mullan, P.E., the Board's Engineer, who was also sworn, testified that he did not share such concerns and that it was very normal for the downspouts on houses to direct runoff to the street.
17. Mr. Mullan also noted that Section 5 of his Engineering Review letter (**Exhibit B-1**), requesting a grading plan, would not be necessary. He was satisfied with the representation all downspouts would be directed toward the street or backyard of the applicant's property.
18. No one else testified with respect to the application.
19. In considering this application, the Board finds that the applicant's property suffers a natural hardship due its shape, size and dimensions. This is evidenced by the survey which was marked as **Exhibit A-3**. The lot is clearly narrow and has very little room to work within as far as structures built upon it are concerned. As noted within the Board's Engineering and Planning Review letter (**Exhibit B-1**), the substandard size of the lot is the result of an original subdivision for the property recorded on August 2, 1909 and referenced as the "Croes' Subdivision".
20. The current minimum required lot area for the subject property is 7,500 square feet, however the applicant's lot is only 4,800 square feet. The Board believes the side yard variance, which is the only variance truly implicated by this application, is entirely dictated by the pre-existing undersized nature of this lot.
21. The Board also finds that the architectural plans which have been submitted into evidence (**Exhibit A-4**) are aesthetically pleasing and would constitute an upgrade for the neighborhood over what is currently presented by the existing house on the property.
22. The Board cannot envision any negatives for the surrounding properties or community in general if the proposed home were to be constructed. In fact, the Board finds that not granting the requested variance relief would act as a detriment to the neighborhood since the proposed addition would not be built and the community would be left with the house that currently exists.
23. The Board believes that the benefits of granting this application, in gaining an improved attractive home for the neighborhood, far outweigh the results of what strict adherence to the zoning ordinance would otherwise allow.
24. Based upon the evidence and testimony presented, the Board finds that the applicant has

established the positive and negative criteria necessary to meet the requirements for obtaining variance relief pursuant to the provisions of N.J.S.A. 40:55D-70(c)(1) and (c)(2).

25. The Board concludes that the benefits of granting this application outweigh the detriments and the variance can be granted without impairing the public good, Zone Plan and Ordinance.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of Patrick Devenny, for premises known as Block 15, Lot 18, be granted subject to the following conditions:

1. Subject to construction of the addition detailed in the architectural plans marked into evidence as **Exhibit A-4**.
2. Subject to the materials used for the proposed addition matching those of the existing home so that the aesthetics of the home would be consistent throughout.
3. Subject to all downspouts at the subject home being directed either to the applicant's backyard or the street. Runoff from the downspouts may not flow into the yard of any neighboring property owner.
4. Subject to the architectural plans (**Exhibit A-4**) being revised to include a note that no trees or soil will be removed as result of the approved construction.
5. Subject to any and all other comments contained within the Planning and Engineering Review Letter dated June 16, 2016 (**Exhibit B-1**) with the exception of those contained within section 5 dealing with Grading and Drainage.
6. This approval shall be deemed void by abandonment if permits to construct the addition have not been issued within one year from the date of this Resolution.
7. All representations made under oath by the applicant or his agents shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to the representations made before the Board shall be deemed a violation of this approval.
8. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within application would not be approved.
9. Subject to all laws and ordinances enacted by either the State or the Borough relative to Affordable Housing, including, but certainly not limited to, payment of any required fees.
10. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations.
11. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the filing of a subdivision deed or signing of a subdivision map.
12. The action of the Unified Planning Board in approving this application shall not relieve the applicant of responsibility for any damage caused by this project, nor does the Unified Planning Board of the Borough of Keyport or its reviewing professionals and agencies accept

any responsibility for the structural design of the proposed improvements or for any damage that may be caused by the development.

13. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at his sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

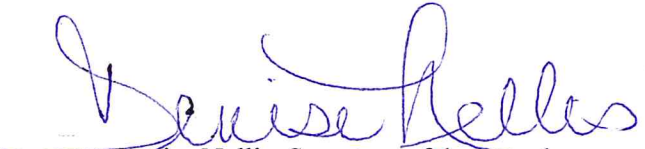
The foregoing was moved by J. Kovacs-Olsen, seconded by and on Roll Call, the following vote was recorded:

Affirmative: T. Musson, D. Fotopoulos, J. Kovacs, G. Sappah, J. Oviedo, J. Kovacs-Olsen

Negative:

Abstentions: M. Sessa, R. Burlew

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport as copied from the Minutes of its meeting on August 25, 2016.



Denise Nellis, Secretary of the Board