

**IN THE MATTER OF
APPLICATION NO. PB20-03
OF JONATHAN & RACHEL SMYTH
BLOCK 11 LOT 2**

**RESOLUTION GRANTING
EXTENSION OF VARIANCE
APPROVAL**

WHEREAS, JONATHAN & RACHEL SMYTH, hereinafter the "Applicant", has previously proposed the development of property located at 251 Ocean Boulevard, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 11, Lot 2 on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, the Applicant previously applied to the Planning Board of the Borough of Atlantic Highlands for approval to construct a 100 +/- square foot addition to an existing dwelling including the replacement of existing deteriorated decks, requiring the following relief:

1. Section 150-49.I. (I) (b) to permit the construction of an addition on a non-conforming (undersized) lot.
2. Section 150-20 (A) (II) (Exhibit 5-2) side yard setback of 4.1 feet where 15 feet is required.
3. Section 150-29 (A) (II) (Exhibit 5-2) combined side yard setback of 13.4 feet where 30 feet is required.
4. Section 150-29 (A) (II) (Exhibit 5-2) building coverage of 14.6% where 12% is permitted.
5. Section 150-29 (A) (II) (Exhibit 5-2) usable floor area ratio of .255 where .175 is permitted (use variance); and

WHEREAS, the aforesaid variances were granted by resolution adopted by the Atlantic Highlands Planning Board on December 2, 2021; and

WHEREAS, the subject property is located in the R-3 Residential Zone District and single family residential homes with associated accessory structures are a permitted use in the zone; and

WHEREAS, by letter dated September 30, 2022 the Applicants requested that the approval be extended and the extension request was considered by the Planning Board at its meeting conducted on October 6, 2022, due notice of said meeting having been given in accordance with New Jersey Statutes,

the Open Public Meetings Act, and the Municipal Land Use Law and a quorum of the Planning Board being present the request was heard; and

WHEREAS, having considered the request for extension, the Planning Board has made the following findings of fact:

1. The Planning Board has received and reviewed the resolution of approval adopted December 2, 2021 in connection with the above referenced matter.

2. The Planning Board finds that there have been no changes to the zoning of the subject property nor have there been any significant changes to the subject property or the neighborhood in which it is located since the grant of approval. Therefore, the Planning Board finds that the circumstances existing at the time of the original approval are unchanged and that the reasons for the grant of approval are also unchanged such that the approval is still appropriate at this time.

3. Chapter 150, Article III, Section 150-9.J. provides that the original Applicant may submit a written request to the Planning Board not less than thirty (30) days prior to the expiration of the original approval. The time limit may be extended by the approving agency for good cause shown commencing on the original date of expiration.

4. The Planning Board finds that insofar as the conditions respecting the property and zoning of the property are unchanged and that the reasons for the original grant of approval remain the same and extension of the approval is appropriate under the circumstances and should be granted commencing on December 2, 2022 and concluding on December 1, 2023.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Atlantic Highlands on this 1st day of December 2022, that the request for extension of approval of **JONATHAN & RACHEL SMYTH** be and is hereby granted which approval is expressly conditioned upon the following terms and conditions:

GENERAL CONDITIONS –

- 1) The conditions contained in the prior resolution approval adopted December 2, 2021 be and hereby are continuing conditions of this approval.
- 2) This extension of approval shall commence on December 2, 2022 and conclude on December 1, 2023.

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this Municipality or any other governmental entity.

BE IT FURTHER RESOLVED that a written copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Applicant, the Code Enforcement Official of the Borough of Atlantic Highlands, and the Construction Code Official of the Borough of Atlantic Highlands. A written copy of the certified Resolution shall also be filed in the office of the Administrative Officer of the municipality, which copy shall be made available to any interested party and available for public inspection during normal business hours.

BE IT FURTHER RESOLVED that should the Applicant not exercise this variance within the required time period pursuant to Chapter 150, Article III, Section 150-9.J. as extended by this resolution these variances will expire.

BE IT FURTHER RESOLVED that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Borough.

OFFERED BY: MR. HAWLEY

SECONDED BY: MR. NEFF

ROLL CALL:

YES: DOUGHERTY, HAWLEY, McGOLDRICK, NEFF, KRUPINSKI, CROWTHER,
KURDES, MAJEWSKI

NO: NONE

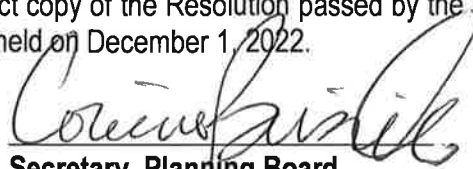
ABSTAIN: NONE

ABSENT: ZUZULOCK, CACCMO, JOSKO, BERTH



**Chairperson, Planning Board
Borough of Atlantic Highlands**

I certify that the above is a true and exact copy of the Resolution passed by the Planning Board of the Borough of Atlantic Highlands at its meeting held on December 1, 2022.



**Secretary, Planning Board
Borough of Atlantic Highlands**