

**RESOLUTION  
OF THE  
LAND USE BOARD OF THE BOROUGH OF NEPTUNE CITY  
GRANTING BULK VARIANCE**

**APPLICANT: JARED & REBECCA PAPE  
BLOCK 12.02 LOT 7  
APPLICATION #23-04**

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**WHEREAS**, Jared and Rebecca Pape (hereinafter referred to as “applicant”) are the owners of 49 Evergreen Avenue also known as Block 12.02, Lot 7 on the Tax Map of Neptune City, in the State of New Jersey, County of Monmouth (hereinafter referred to as “premises”); and

**WHEREAS**, the premises is located in a R-1 Zone; and

**WHEREAS**, the applicant has applied to the Land Use Board of the Borough of Neptune City to remove the existing wood framed shed in rear and construct new one car garage in the rear. As a result of the application, the applicant requires the following relief:

1. Variance from Side Yard Setback Requirement for the Garage, which requires a 5-foot setback, where 2.5 feet is proposed. The Board decreased the requested setback to 1 foot. As such, the variance is for 1 foot, where 5 feet is required.
2. Waiver for driveway setback, where 5 feet is required, and 2.5 feet is proposed.

**WHEREAS**, after review and notice of publication indicates that the Board has jurisdiction in reviewing this application; and

**WHEREAS**, a public hearing was held on April 11, 2023; and

**WHEREAS**, the applicant produced the sworn testimony of Jarred Pape, Lorali Totten, P.E. and James Higgins, P.P. and the following exhibits were submitted with the application, reviewed by the Board, and shall be considered marked as in evidence as follows:

A-1 Survey of property and Lot Coverage Plan prepared by Crest Engineering dated 7/6/2022.

A-2 Aerial display of subject property.

A-3 Variance Plan dated February 9, 2023.

A-4 Architectural plans of proposed garage.

**WHEREAS**, the Board has reviewed testimony of its professionals; and

**WHEREAS**, no members of the public appeared on this application; and

**WHEREAS**, the Land Use Board of the Borough of Neptune City, have to consider all evidence, exhibits and testimony presented and make the following findings of fact and conclusions of law:

1. The Board has jurisdiction to hear and decide this application.
2. The taxes on said premises are paid and current.
3. The said premises are located in the R-1 Zone as established by the Land Use Ordinance of the Borough of Neptune City.
4. The Board finds that the applicant has satisfied its burden of proof pursuant to N.J.S.A. 40:55D-1 et seq., upon the meeting of certain conditions.
5. The applicant has requested the following variances:
  - A. Variance from Side Yard Setback Requirement, which requires a 5-foot.

setback, where 2.5 feet is proposed. The Board decreased the requested setback to 1 foot. As such, the variance is for 1 foot, where 5 feet is required.

- B.** Waiver for driveway setback, where 5 feet is required, and 2.5 feet is proposed.

The Land Use Board finds that the proposed site plan enhances the site, environmentally, commercially, and aesthetically. As a result of the proposed plan, the following purposes of the Municipal Land Use Law are promoted:

- a.** To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey Citizens.
- b.** To ensure that the development of individual municipalities do not conflict with development and general welfare of neighboring municipalities, the county and state.

The subject property is approximately 5,800 sq. ft. where the R-1 Zone requires a minimum lot area of 7,500 sq. ft. The subject property is also deficient in lot frontage where 58 ft. exists, and 75 ft. is required.

The subject property presently contains a two-story framed dwelling, a wood framed shed in the southwestern corner of the property and a concrete driveway. The property presently exceeds the lot coverage requirements for the zone, where a maximum of 60% is permitted where the existing condition is 64.1%.

The applicant proposes to remove the existing woodshed and build a one-story garage in the Southwestern portion of the property and construct drive access to that garage. The applicant is making other renovations to the property which will reduce the impervious coverage on the lot and make the property conform with respect to lot coverage.

Due to the deficient lot width and lot area, the applicant requires a waiver from the side yard setback for the detached garage, as well as the setback from the driveway. At present, the property does not have an existing garage.

The proposed garage is 16 x 20 ft., and the applicant is going to extend the driveway to the new garage. However, as part of the improvements, they are going to reduce the existing lot coverage variance on the subject property.

The applicant's planner testified that this is the only appropriate place for a garage on the subject property and numerous other properties within the area they have a detached garage in the same or similar location. The planner also testified that the applicant has satisfied the positive criteria for the setback and waiver variances due to the unique size and shape of the property. Further, the planner testified that there will be no negative impact to the adjoining properties or the Master Plan. The applicant is also reducing the impervious lot coverage on the subject property and the proposed improvements are the same or similar as other the property in the area. Further, the planner testified that providing a garage to store vehicles and other home items will be a benefit to the subject property and an improvement to the property. The Board has reviewed the Plans, subject property and the adjoining properties and agrees with the testimony of the planner that the applicant has satisfied the positive and negative criteria for the setback and waiver variances. The Board acknowledges that the lot is undersized for the Zone and has deficient in lot width. The Board further finds that the improvements to the property will

have no substantial negative impact to the Master Plan or adjoining properties. The Board does find that the improvements to the property will be an enhancement to the subject property and the surrounding areas.

In reviewing the application, the Board finds that the applicant is proposing a setback for the garage of 2-1/2 ft. from the subject property line and the driveway 2-1/2 ft. from the subject property line. However, due to the configuration of the garage, the driveway would not have direct access to the garage door opening as there is a 1-1/2-foot separation between the garage door and the end of the garage. As a result of the above, the Board finds that it would be more appropriate for the garage to be set back 1 foot from the property line while keeping the 2-1/2-foot driveway setback for the driveway. This will permit the driveway to have direct access to the proposed garage door. As a result, the Board hereby grants the variance for side yard setback of 1 foot for the garage and a waiver of 2-1/2 ft. setback for the driveway.

Additionally, the Board finds that the improvements to the home proposed by the applicant provides a substantial aesthetic improvement to the property and has substantial benefit to the surrounding neighborhood. As a result, the Board hereby grants the variance subject to the conditions contained in this Resolution.

One of the objectives of Zoning is to improve properties if it can be done without detriment to the adjoining property owners. In this case, there will be an improvement to the property with no detriment to the adjoining property owners.

The Board further concludes that the variance can be granted under N.J.S.A. 40:55d-70(c) 1. The Zoning Board further concludes that the requested variance can be granted without substantial detriment to the public good and will not impair the intended purpose of the Zoning Ordinance.

With respect to all of the requested variances, the Board finds that the applicant has met his burden with respect to the variances requested because they relate to this specific property, the purposes of the Municipal Land Use Law would be advanced by the deviation from the zone requirements, the deviations can be granted without substantial detriment to the public good, the benefits of the deviations substantially outweigh any detriment; and the granting of the variances will not substantially impair the intent and purpose of the planning and zoning ordinances.

**NOW, THEREFORE, BE IT RESOLVED** that this Resolution serves as a memorialization of the Board's decision to grant Bulk Variance on April 11, 2023, subject to the conditions as follows:

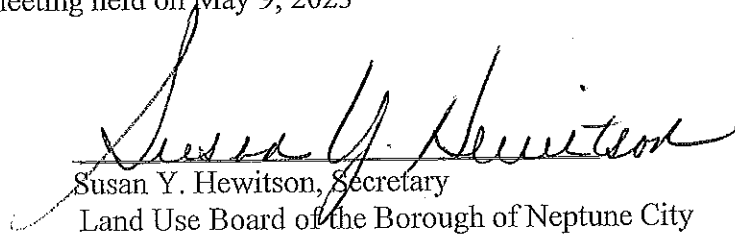
1. The Applicant shall obtain all state, county and local government approvals as required by law.
2. The Applicant shall pay all professional fees, including attorney, engineering, and planning fees, incurred by the Land Use Board of the Borough of Neptune City in connection with the applicant and no further improvements shall be granted by the Land Use Board and no permits, including building permits and certificates of occupancy shall be issued to the applicant until such payment is made.
3. This approval is subject to the accuracy and completeness of the submissions, statements, exhibits and other testimony filed with, or offered to, the Board in connection with this application, all of which are incorporated by reference and specifically relied upon the Board in granting this approval. The condition which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach hereof has occurred.

4. No taxes or assessments for local improvements shall be due or delinquent on the subject property.
5. Applicants shall obtain all necessary approvals from the construction department.
6. Applicant shall revise the plans to provide the garage to have a 1-foot setback and the driveway to be a 2-1/2-foot setback from the property line and the driveway be in a direct line to the garage door.
7. Applicant shall match the materials used for the existing home including color of siding and color of roof for the garage.

**BE IT FURTHER RESOLVED**, that the Board Secretary is hereby authorized and directed to send a certified copy of this Resolution to the applicant, the Borough Clerk, Engineer and Assessor and shall make same available to all other interested parties; and that the Board Secretary and/or the Applicant is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the applicant's expense.

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of the resolution adopted by the Borough of Neptune City Land Use Board at a meeting held on May 9, 2023

  
Susan Y. Hewitson, Secretary  
Land Use Board of the Borough of Neptune City

The vote on the Motion  
To approve this application:

YES; Patricia Gerand, Randy Reynolds,  
Andrew Wardell, Robert Reynolds, Jr,  
Larry Cross

NO: None

ABSTAIN: None

The Vote on the Resolution of  
memorialization was as follows:

YES: Patricia Gerand, Randy  
Reynolds

NO: None

ABSTAIN: None