

APPEAL NO. BOA#23-6033 WILLIAM & JUDITH WALDY

VARIANCE-CONSTRUCT

A SFD ON UNDERSIZED LOT TO REPLACE PRIOR EXISTING STORM

DESTROYED DWELLING LOT AREA 12,231 SQFT EXIST 130,680 SQ FT. REQUIRED, LOT FRONTAGE 50

FT EXIST 200 FT REQUIRED

FRONT YARD

SETBACK 25.5FT PROPOSED 75' REQUIRED, SIDEYARD SETBACK 7.5FT. PROPOSED 25 FT REQUIRED,

COMBINED SIDE YARD SETBACK 15.5FT PROPOSED 50FT REQUIRED LOT COVERAGE 15.26%

PROPOSED 10% PERMITTED BLOCK 1395 LOT 15&16 ZONE CR

1011 BALSAM DRIVE BERKELEY

RESOLUTION OF THE MEMORIALIZATION OF THE BERKELEY TOWNSHIP BOARD OF ADJUSTMENT

APPROVING A VARIANCE PURSUANT TO N.J.S.A. 40-55D-70(c) FOR BLOCK 1395 LOT 15&16

WHEREAS, an application has been made by William and Judith Waldy, for the granting of

bulk variances pursuant to N.J.S.A. 40-55D-70 for Block 1395, Lot 15&16 so as to permit the

applicant to construct a SFD on an undersized lot 12,231 sq. ft. exists 130,680sq. ft required with

frontage 50 ft. exists 200 ft. required, front yard setback 25.5' proposed 75' required, side yard

setback 7.5' proposed 25' combined side yard setback 15.5 proposed 50' required, minimum

lot coverage 15.25% proposed 10% permitted in the CR zone.

WHEREAS, the Berkeley Township Zoning Board of Adjustment has considered the

application, has held a public hearing on the 14th day of February 2024, and has taken

testimony and received the report of its professional staff, the Zoning Board does hereby make

the following findings of fact:

A.

The applicant has a proprietary interest in the property.

B.

The applicant has requested the granting of variances in accordance with the Ordinances of the

C.

Township of Berkeley.

D.

Jason Marciano P.E.,/P.P. of testified on behalf of the applicant.

E.

The applicant was represented by Gregory Hock, Esq.

F.

The granting of this approval will provide for adequate light and air on the subject site while

maintaining sufficient space on the lot in relationship to the adjoining properties.

G.

The Board is satisfied that the purposes of the Municipal Land Use Law will be advanced by

the deviation from the ordinance and that the benefits of this deviation will substantially outweigh

any detriment as an appropriate use, will promote the public health, safety, morals and

general welfare, will provide light, air and open space and provide for additional uses associated

with the permitted residential use.

The Board is satisfied that the granting of the variances as recited above will not have a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance of the Township of Berkeley.

The applicant testified that the lot was unique due to its small size and the prevalence of wetlands on the site limiting as to how it could be developed. There were no objections present NOW, THEREFORE, be it resolved by the Zoning Board of Adjustment of the Township of Berkeley, County of Ocean, State of New Jersey, that the Board does hereby grant and approve the variance for construction of a SFD on an undersized lot consisting of .12,231 sq.ft. where 130,680 sq. ft. are required, lot frontage 50 ft. existing where 200 ft. required, front yard setback 25.5 ft. proposed 75' required, side yard setback 7.5' proposed 25' required, combined side yard setback 15 ft proposed 50 ft required, lot coverage 15.26% proposed 10% permitted on Block 1395 Lot 15 & 16 in the CR zone subject to the following conditions:

1. Proof of approval and/or waivers from all agencies having jurisdiction including Waterfront Development, Flood Plain Management, CAFRA, Ocean County Soil Conservation, Berkeley Township Sewerage Authority and Berkeley Township Municipal Utility Authority.

2. The matters agreed to by the Applicant as set forth in the Findings of Fact above 3. The applicant shall comply with the conditions contained in the Board Engineer/Planners of letter of December 14, 2023.

4. Payment of all outstanding professional fees of the Board and Township.

5. Construction on the lot is subject to review and approval of the Berkeley Township Construction Official

6. A copy of the Resolution of Approval shall be placed in the Township Construction File 7. Applicant shall submit a final "as built" plan at the conclusion of all construction

8. A waiver is granted for curb sidewalks

9. A waiver is hereby granted for a paver driveway.

10. The applicant shall be responsible for publishing notice of this approval in the Asbury Park Press or another newspaper designated for the publishing of such notices by the Berkeley Township Zoning Board of Adjustment or Town Council

11. The lots shall be consolidated

12. An additional set of stairs to be constructed on the rear deck providing a secondary means of ingress and egress to the dwelling.

13.

Front gutters shall discharge roof runoff into the front stone yard and the rear gutters shall discharge roof storm runoff to the wetlands

14

Construction on the premises shall commence within one year of the adoption of this

resolution or it shall become null and void

The foregoing Resolution was duly passed and adopted by the Berkeley Township Zoning Board of Adjustment on the 13th day of March 2024 by the following vote

ATTEST

YES

NO

ABSTAIN

DISQUALIFIED

ABSENT

BERKELEY TOWNSHIP ZONING BOARD OF ADJUSTMENT

EDWARD F. GUDAITIS Secretary

By RICHARD W. ELLIOTT

Chairman

AFFIDAVIT OF PUBLICATION

Order Number : 9978404

STATE OF WISCONSIN

Brown County

Of the Ashbury Park Press, a newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and
advertisements of which the annexed is a true copy, has been published in said newspaper in the issue:

03/21/2024

Krupp-Krona
Legal Clerk
MMW
Notary Public State of Wisconsin County of Brown
4.25.26
My commission expires

MARIAH VERHAGEN
Notary Public
State of Wisconsin

TOWNSHIP OF BERKELEY
ZONING BOARD
PUBLIC NOTICE

Please take notice that on March 13, 2024, the Township of Berkeley Zoning Board approved the application of the under-signed granting variances to construct a new single-family home at Block 1395, Lots 15 & 16, on shown on the Berkeley Township Tax Map, commonly known as 101 Balsam Drive, Berkeley, New Jersey. A copy of said Resolution is on file with the Secretary of the Zoning Board at 627 Pinewald Keswick Road, Bayville, New Jersey, and may be inspected during normal business hours in the Office of the Planning Board by all interested parties.