

RESOLUTION
Borough of Union Beach
Planning Board
i/m/o Martin Christiana and Christine Christiana
Decided on April 28, 2021
Memorialized on May 26, 2021
Bulk Variance Application

WHEREAS, Martin Christiana and Christine Christiana (hereinafter the “Applicants”) have made an application to the Borough of Union Beach Planning Board related to a secondary driveway on property located at 1109 Florence Avenue, also known as Block 60, Lot 14 on the Tax Map of the Borough, in the R-8 Residential Zone; and

WHEREAS, a public hearing was conducted on April 28, 2021;

WHEREAS, the Applicants represented themselves; and

WHEREAS, the Application was deemed complete and evidence of compliance with the notice requirements was presented establishing that the Board has jurisdiction over the Application.

NOW THEREFORE, the Board makes the following findings of fact, based upon evidence presented at its public hearing, at which a record was made.

1. The Applicants seek permission to retain two driveways at their home located at 1109 Florence Avenue, Block 60, Lot 14 on the Tax Map of the Borough of Union Beach. Section 13-5.33 of the Zoning Ordinance provides that only one driveway and only one curb cut is permitted for lots with less than 100 feet of frontage in the R-8 residential zone district. Because the property has frontage of only 77 feet, the Ordinance only permits one driveway and one curb cut.

3. The Applicant requires the following variance:

a. Section 13-5.33, in that one driveway and one curb cut is permitted for lots with

less than 100 feet of frontage in the R-8 residential zone district, and the subject property has a frontage of 77 feet.

4. The only witness was Applicant Martin Christiana. He explained that the Applicant purchased the property in December of 2020. They retained a contractor to renovate the property and elevate the structure. When the contractor did so, he added the driveway to the garage, which is located such that the existing driveway does not serve it. Therefore, in addition to the pre-existing driveway, there is a second driveway now which is needed for access to the garage. The Applicant was advised by the Borough that one of the driveways needs to be closed in order to get a Certificate of Occupancy. They would like to keep the second driveway since there is no parking on their side of Florence Avenue. The Applicant requests a variance so that it can provide adequate parking on-site. The driveway leading to the garage is only 12 feet wide.

5. Under the Municipal Land Use Law, N.J.S.A. 40:55D-70(c), the Board has the power to grant variances from bulk and other non-use related Ordinance requirements when the Applicant satisfies certain specific proofs which are enunciated in the statute. Specifically, the Applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An Applicant may show that exceptional topographic conditions, physical features, or other extraordinary circumstances exist which uniquely affect the specific piece of property and limited development potential in conformance with Ordinance requirements, such that the strict application of a regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Alternatively, under the (c)(2) criteria, the Applicant has the option of showing that in a particular instance relating to a specific piece of property, the purposes of the Act would be advanced by allowing a deviation from the Zoning Ordinance requirements and

that the benefits of any deviation will substantially outweigh any detriment. These tests specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an Applicant for these variances must also show that the proposed relief sought will not cause a substantial detriment to the public good and further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. The burden of proof is upon the Applicant to establish that these criteria have been met.

6. Based upon the plans, reports and testimony placed before the Board, the Board finds that the Applicant has met the requirements of the Municipal Land Use case law, and Borough Ordinances so as to grant the relief requested. Pursuant to these criteria, the purposes of the Municipal Land Use Law will be advanced and the benefits upgrading the relief requested clearly outweigh the detriments. The evidence before the Board indicates that in this particular circumstance, bulk variance relief can be granted given that the structure on the property was renovated in order to comply with applicable law and resulted in its relocation which required a driveway to the garage. The Board finds that allowing the second garage and allowing parking on both driveways will facilitate the proper and efficient use of the home without any substantial detriment to the public good or interference with the intent and purpose of the zone plan or Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Union Beach that the application of Martin Christiana and Christine Christiana for property located at 1109 Florence Avenue, also known as Block 60, Lot 14 on the Tax Map of the Borough, is determined as follows:

1. A bulk variance from the requirements of Section 13-5.33 is approved pursuant to N.J.S.A. 40:55 D-70(c).

IT IS FURTHER RESOLVED that the above approval is subject to the following terms and conditions:

1. The implementation of the plan shall be implemented strictly in accordance with the plans submitted and approved by the Board.

2. The Applicant shall comply with all requirements and any subsequent reports with respect to this application or subsequent applications from the Board's professionals.

3. Payment of all fees, costs and escrow due or to become due. Any monies are to be paid within 20 days of said request by the Board Secretary.

4. Certification of taxes have been paid to the date of approval.

5. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official, an affidavit verifying that the Applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.

6. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Union Beach, County of Monmouth, State of New Jersey or any other jurisdiction.

The undersigned secretary certifies the within decision was adopted by this Board on April 28, 2021 memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 26, 2021.

Madeline Russo
Madeline Russo, Planning Board

FOR: 6

AGAINST: 0

ABSTAIN: 0

Member(s) Eligible to Vote:

*Cannors, Wells, Wade, Sweeney,
Andreuzzi & Casello*