

**RESOLUTION
of the
Absecon Zoning Board of Adjustment**

RESOLUTION #2-2014

**RESOLUTION OF MEMORIALIZATION OF THE
ABSECON ZONING BOARD OF ADJUSTMENT
GRANTING BULK VARIANCE RELIEF TO JOSEPH
POTKAY FOR PROPERTY LOCATED AT 1117
PLYMOUTH LANDING ROAD AND OTHERWISE
KNOWN AS BLOCK 1.02, LOT 13 AS SHOWN ON THE
TAX MAP OF THE CITY OF ABSECON**

WHEREAS, an application was filed by **Joseph Potkay** seeking bulk variance relief so as to permit the construction an in-ground pool in the rear yard of his single family residence; and

WHEREAS, said premises are located in the Moderate Density Residential District (R2); and

WHEREAS, the said application sought bulk variance relief pursuant to N.J.S.A. 40:55D-70(c)(1); and

WHEREAS, the application consisted of the form application with attachments including a survey by Robert J. Monson dated June 27, 2008; and

WHEREAS, the Applicant Joseph Potkay appeared *pro se* before the Absecon Zoning Board of Adjustment on February 18, 2014; and

WHEREAS, the Absecon Zoning Board of Adjustment having duly considered the evidence presented reached the following factual conclusions:

1. Proper jurisdiction before the Absecon Zoning Board of Adjustment was established with respect to the relief being requested and the statutory powers granted to the Board by the New Jersey Legislature and as embodied at N.J.S.A. 40:55D-70(c)(1).

2. The Applicant has properly notified surrounding property owners of his application and has

satisfactorily published notice of the application and the Board's meeting to consider the same in an edition of the Atlantic City Press as required by N.J.S.A. 40:55D-12.

3. The Applicant has standing to pursue the application as the owner of the premises in question.

4. The premises, Block 102, Lot 13 on the Absecon Tax Map, are located at 1117 Plymouth Landing Road, Absecon, New Jersey in the R-2 Zone.

5. The premises are presently improved with a single family residence. The Applicant proposes to construct an in-ground pool. The premises are located AT 1117 Plymouth Landing Road.

6. The Applicant requires the following bulk variance relief:

- a. A rear yard setback variance for an accessory structure, a pool, of 4' where 10' is required;
- b. A lot coverage variance of 42% where 40% is permitted; and
- c. A variance to permit the water's edge of the swimming pool to be located 6.5' from the rear property line where 10' is required.

7. The Applicant testified as to hardship he experienced with relation to the placement of the pool in his rear yard. His proposed in-ground pool will replace an above ground pool and will be situated with relation to an existing deck previously constructed.

8. After hearing the testimony of the Applicant the Board considered the testimony of its Engineer, Edward E. Dennis, Jr., P.E. of Remington & Vernick who delivered his updated report of February 11, 2013. Mr. Dennis expressed no concerns with relation to the requested relief.

9. Thereafter the meeting was opened to the public, at which time no member of the public spoke for or against the application.

10. The Board concluded that the variance relief requested and identified at Paragraph 6 above could be granted because the benefits of granting the requested relief outweigh any detriments and because the relief could be granted without substantial detriment to the general welfare, zone plan or master plan.

ON MOTION by Roswell, second by Corkhill, it was moved to grant the Applicants the variances noted in Paragraph 6 above. The motion was thereafter adopted by a vote of seven (7) in favor and none (0) opposed.

Dated: March 18, 2014.

BY: 

JAMES BONEK, CHAIRMAN

Joseph Potkay

1117 Plymouth Landing Road, Block 1.02, Lot 13

DECISION AND RESOLUTION

Meeting Date: February 18, 2014

Motion to Grant Bulk Variance Relief

<u>ROLL CALL VOTE:</u>	Motion	<u>YES</u>	<u>NO</u>
<u>Present</u> JAMES BONEK, Chairman		X	
<u>Present</u> PATRICK MALIA, Vice Chairman		X	
<u>Present</u> STEVE BALTERA		X	
<u>Present</u> ALEX CORKHILL	2nd	X	
<u>Absent</u> WILLIAM FRITZ			
<u>Present</u> MATTHEW LAWLER		X	
<u>Present</u> JOSEPH POLISANO		X	
<u>Present</u> JEFF ROSWELL (1 st Alternate)	M	X	
<u>Vacant</u> (2 nd Alternate)			