Resolution prepared by:
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RESOLUTION GRANTING
BULK VARIANCE RELIEF
TO CONSTRUCT ADDITION TO EXISTING HOME

NEPTUNE CITY LAND USE BOARD

APPLICATION # 26-01

BLOCK 4, LOT 10
39 FOURTH AVENUE

WHEREAS, the owners of property located at 39 Fourth Avenue, which is officially designated as Block 4, Lot 10 on the tax map of the Borough of Neptune City, have applied to the Neptune City Land Use Board for bulk variance relief so as to permit construction of an addition to the home located upon the property;

WHEREAS, the applicant has provided notice to all property owners within two hundred feet and has caused notice to be published regarding said application in accordance with ***N.J.S.A. 40:55D-1*** et seq., this Board gaining jurisdiction thereunder; and

WHEREAS, a public hearing was held in the within matter at a regularly scheduled meeting of the Land Use Board held on April 28, 2026 during which all persons having an interest in said application were heard; and

NOW THEREFORE, be it Resolved by the Planning Board of the Borough of Neptune City that the following findings of facts are made:

1. The owners of property located at 39 Fourth Avenue, which is officially designated as Block 4, Lot 10 on the tax map of the Borough of Neptune City, have applied to the Neptune City Land Use Board for bulk variance relief so as to permit construction of an addition to the home located upon the property.
2. The existing single family home is a 1-story dwelling with an enclosed porch in the front of

the building. The applicants propose to square off and enclose the existing porch and build a second floor above it. A new 5' by 18.67' enclosed front porch would then be added to the front of the dwelling.

3. Once the project is completed the existing 1-story 888 square foot dwelling will become a 2-story 1,872 square foot dwelling.

4. The existing home and the proposed improvements are all permitted within the R-1 Residential Zoning District where the property is located.

5. With the above said, the following bulk variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(c), are required:

Ordinance Provision	**Required / Permitted**	**Requested**
Minimum Lot Area	7,500 square feet	3,750 square feet (pre-existing)
Minimum Street Frontage	75 feet	25 feet (pre-existing)
Min. Side Yard Setback	8 feet with a combined side yard setback of 20 feet	Front Addition & second floor are 1.4' and 4.5' with a combined side yard setback of 12.8'
Min. Front Yard Setback	25 feet	12.8 feet
Front Yard Porches	6' x 10' unscreened entrance porch (19' setback)	5' x 18.67 porch with a 7.8 +/- setback
Storage Buildings Size	200 SF	550 SF (exists) [rear garage]
Storage Buildings Setback	3.0 feet	1.1 feet and 1.7 feet

6. In support of the proposal, the applicant submitted the following exhibits into evidence:

Exhibit A-1: Zoning Permit Denial dated December 23, 2025

Exhibit A-2: Survey of Property prepared by Jeffrey S. Gunn, PLS of Lakeland Surveying, dated December 2, 2025, revised December 18, 2025

Exhibit A-3: Architectural Plans prepared by Jose C. Santos, R.A. of Architrave Group, dated December 17, 2025

7. Beyond the exhibits submitted by the applicant, the Board also marked its own exhibits:

Exhibit B-1: Engineering Review letter dated February 25, 2026 as prepared by Matt Shafai, P.E., P.P. of Leon S. Avakian, Inc.

Exhibit B-2: Photograph of detached garage in rear of property

8. In further support of the application, sworn testimony was presented by the applicants' architect, George Tsairis, AIA, who spoke with respect to the improvements being proposed.

9. It was explained that the applicants were looking to expand the living space within the existing dwelling. Currently the home only has two (2) bedrooms. Once the project is completed, there will be four (4) bedrooms.

10. It was indicated there would be 5 ½ feet from the property line to the 1st step of the new porch. There would be 16 feet from the sidewalk.

11. Mr. Tsairis noted that the front of the property falls into average of other front porches in town. These averages were shown on the plot plan included within the architectural plans. Specifically, the average front yard setback for a home in the neighborhood is 20.75 feet and the average front yard porch setback is 13.52 feet.

12. As a condition of approval, it was agreed the architectural plans would be revised so as to specifically identify each room within the dwelling. (Ie: Bedroom, Kitchen, Bathroom, etc.)

13. With respect to the garage in the rear of the property (**Exhibit A-2**), it was indicated that it really is just a storage shed. Vehicles do not park within the building.

14. The contract builder for the project, Concetta Alvarez of ERS Better Homes, was also present during the hearing. In response to a question from the Board she confirmed that there are footings on the dwelling.

15. No one else testified on behalf of the applicants and no members of the public were present.

CONCLUSIONS

16. In considering the subject application, the Board finds that the improvements being proposed by the applicants will bring the subject property into better conformance with the community than currently exists. Other homes in the area are larger than the 888 square feet that currently exists and closer to the 1,872 square feet being proposed.

17. Taking everything into consideration, the Board cannot find any reason why the requested

improvements should not be granted as requested. All of the submitted evidence and testimony indicates that once completed, the improved dwelling will act as a substantial improvement for the surrounding community since the home will be in greater conformity with its neighbors. There is absolutely no evidence in the record which could possibly lead to a different conclusion.

18. With respect to the variance and waiver relief triggered by the application, the Board finds that all of the variance relief may be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(1) and (c)(2). Clearly the site is undersized and suffers from a physical hardship which out of the control of the applicant. Additionally, as previously noted, once improved the site would be brought into substantially better conformity with the surrounding area.

19. The Board is hard pressed to envision any negatives associated with this application. If any exist, they have not been presented to the Board for its consideration.

20. Based upon all of the above, the Board finds that the benefits of granting the requested variance relief substantially outweigh the benefit of strictly adhering to the provisions of the Borough's Zoning Ordinance. If this application were denied, the site would likely remain in its current state, a result which would benefit absolutely no one.

21. For the above stated reasons, the Board finds that the application may be granted in its entirety subject to the conditions agreed to.

NOW THEREFORE, be it further resolved by the Neptune City Land Use Board that the application may be granted subject to the following conditions:

1. Subject to substantial compliance with all exhibits marked into evidence unless otherwise modified by this Resolution.

2. Subject to the condition the architectural plans would be revised so as to specifically identify each room within the dwelling. (Ie: Bedroom, Kitchen, Bathroom, etc.)

3. Subject to compliance with any comments included within the review letter of the Board's Engineer. (**Exhibit B-1**)

4. Subject to all representations made by the applicants and their professionals during the

course of the application.

5. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within application would not be approved.
6. Subject to the payment of any fees, escrows and taxes as may be due to the Borough prior to the issuance of any permits.
7. The action of the Neptune City Land Use Board in approving this application shall not relieve the applicant of responsibility for any damage caused by this project, nor does the Land Use Board or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage that may be caused by the development.
8. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough at their sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

The foregoing was Moved by Craig Morcom
Seconded by Marie Moulder, and on Roll Call, the following vote was recorded:
Affirmative: Mayor Rachel McGreevy, Randy Reynolds, Craig Morcom, Pamela Renee, Marie Moulder, Donna Susino
Negative:
Abstentions:

The foregoing is a true copy of a Resolution adopted by the Neptune City Land Use Board as copied from the Minutes of its meeting on June 23, 2026.



Mya Cherbini
Board Secretary