

**BOROUGH ALLENHURST  
PLANNING BOARD**

**RESOLUTION No.**

**10-18-2023 (1)**

Whereas, Albert and Claudia Houllou, the record owners of the property have applied to the Planning Board of the Borough of Allenhurst for variance approval at the premises located at 203 Allen Avenue, Borough of Allenhurst and known as Block 15, Lot 10 on the official tax map of the Borough of Allenhurst which premises are located in R-1 Zone. The consideration of the variance requires Planning Board approval.

The lot is 25,537 square feet with a 4,295 square foot single-family 2 ½ story home and a 663 square foot detached garage.

The Applicant has planted bushes along Allen Avenue which are approximately seven feet tall. These bushes are in excess of four (4) feet height permitted per Borough Ordinance. The Applicant seeks a variance for this condition.

Hearings were held on September 13, 2023.

Whereas, the Board after carefully considering the evidence presented by the Applicant, the Applicant's expert, and the comments, if any, by the general public, has made the following factual findings:

1. The Applicant is the owner of the property.
2. The Applicant was represented by Robert Farber, Esq.
3. The Applicant presented the testimony of Amit Yoged (owner of Be Worthy Contracting).
4. The Applicant presented the following exhibits:

A-1 Application.

A-2 Cover letter dated July 10, 2023.

A-3 Notice.

A-4 Photos (4 sheets).

B-1 Avakian letter dated September 1, 2023.

5. It has been determined that Applicant's proposal requires variance approval.
6. The home has been classified as 'Historic Landmarks' within Allenhurst's preservation ordinance, being built by 1905.
7. The Applicant previously sought approval to perform improvements to the home. A Certificate of Appropriateness was granted by the Board – Resolution 4-26-2023.
8. The property on Allen Avenue contains a row of hedges approximately seven feet in height.
9. Prior to the start of their construction project, Applicant had two openings for walkways on Allen Avenue. This resulted in breaks in the hedgerow.
10. Applicant attempted to relocate existing seven foot hedges which were on site to fill these openings. The transplanted hedges did not survive.
11. Applicant then planted new privet hedges in these two openings. The new privet hedges which were planted in the openings were seven feet in height.
12. Applicant planted the seven foot privet hedges to match the existing height of the hedge row. The Applicant believed that this was more aesthetically pleasing than having two sections of the hedgerow be lower than the existing hedge row.
13. Allenhurst Ordinance 26-5.2 provides in pertinent part:
  - a. Definition. A fence shall be a structure of any material built, erected, or interposed in, on or upon any lot line or any lot or tract of land and includes a gate, hedge, wall or trestle, or a frame of wood, iron, or other material...
  - c. Fences or hedges shall not exceed four (4) feet in height along the front yard up to the main body of the house, (excluding the front porch). All fences shall be properly supported and braced, and shall have a gate opening not less than three (3) feet in width, and shall not be electrically charged, spiked, or barbed wire.
  - d. All hedges shall be properly cut, trimmed, maintained, and shall not exceed the height limitations herein set forth for fences.
15. The newly planted hedges are seven feet tall. This exceeds the four foot height permitted under Ordinance 26-5.2.
16. All Allenhurst is designated a historical district.
17. The majority of homes in Allenhurst are historic in nature and display architecture from years past.
18. One of the planning goals of Allenhurst is to allow the historic homes of the town to be seen from the street.
19. The height ordinance of hedges in the front yard is intended to further the planning



goals of accentuating and emphasizing the historic nature of the town. Specifically, the limitation of hedges along roadways being limited in height to four feet allows homes to be visible from the street.

20. The home on the property in question is a Key Landmark, meaning it was built before 1905.
21. Allenhurst's Master Plan seeks to achieve the overriding goal of preserving the town's unique character as a historic and tranquil suburban residential community.
22. The unique character is defined, in part, by many homes being built in the 19<sup>th</sup> and early 20<sup>th</sup> century.
23. The town has in place a Historic Preservation Ordinance intended to preserve and enhance the historic elements of the town. Especially by allowing historically significant homes to be viewed from the street.
24. Applicant seeks a variance to allow approximately 25% of the hedge row along Allen Avenue to be planted above the four foot height allowed.
25. The Board finds that granting a variance will not improve local zoning as it will not advance the goal of enhancing and exemplifying the historic architecture of the town, especially the home in question which is a key historic landmark.
26. The Board finds that granting the variance will not advance the purpose of the zoning ordinance of Allenhurst or its Master Plan as it will not preserve the town's unique character as a historic and tranquil suburban residential community.
27. The Board finds that granting the variance will not result in a benefit which will substantially outweigh the above noted detriments.
28. The Board finds that allowing hedges to be in excess of four feet along the front lot line creates a safety issue as homes are not visible from the street hindering police from properly monitoring same.

Whereas, the Board has determined that the granting of the requested variance is NOT appropriate.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Allenhurst on the 13<sup>th</sup> day of September 2023 that the requested variance is DENIED.

As to the DENIAL of the variance:

Moved by: Commissioner McLoughlin

Seconded by: Chairman Tomaino

#### ROLL CALL VOTE

Those in favor: Commissioner McLoughlin, Chairman Tomaino, Schechner, Varley, Rogers, Adjmi

Those opposed: None.

Those abstained: Bolan, Ryan

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Allenhurst on the 18<sup>th</sup> day of October 2023 that this Resolution be adopted.

Moved by: Rogers

Seconded by: Commissioner McLoughlin

#### ROLL CALL VOTE

Those in favor: Commissioner McLoughlin, Schechner, Rogers

Those opposed: None

Those absent: None

Those not voting: None

The foregoing is a true copy of a resolution adopted by the Planning Board of the Borough of Allenhurst at its meeting on the 18<sup>TH</sup> day of October 2023.

As copied from the minutes

Of said meeting

A handwritten signature in cursive script that reads "Kelly Barrett". The signature is written in dark ink and is positioned above the printed name.

Kelly Barrett

Secretary, Planning Board

Borough of Allenhurst, N.J.