

## **NARRATIVE OF INTENT**

**David Wellington  
35 Myrtle Avenue  
Keansburg, New Jersey 07734  
Block 87, Lot 5**

1. David Wellington, is the owner of the property located at 35 Myrtle Avenue, Keansburg, New Jersey 07734, more formally identified as Block 87, Lot 5.
2. The subject property is located in the R-5 Residential Zone.
3. The subject property was formerly two (2) separate lots known as 33 Myrtle Avenue, Keansburg, New Jersey (Block 87, Lot 5) and 35 Myrtle Avenue, Keansburg, New Jersey (Block 87, Lot 6.01).
4. On July 5, 2023, Applicant filed a site plan application along with numerous variance relief with the Board to construct a single family home on 35 Myrtle Avenue (Block 87, Lot 5) in the Borough of Keansburg, New Jersey.
5. The lot on 33 Myrtle Avenue (Block 87, Lot 5), was vacant and previously contained an approximately 564 square foot single family structure which was demolished and removed by the Applicant.
6. At the time of this Application, and at times thereafter, the lot on 33 Myrtle Avenue (Block 87, Lot 5), was an undersized and currently vacant lot.
7. The lot on 33 Myrtle Avenue (Block 87, Lot 5), was adjacent too the lot owned by Applicant located at 35 Myrtle Avenue (Block 87, Lot 6.01), in the Borough of Keansburg, New Jersey.
8. The lot on 35 Myrtle Avenue (Block 87, Lot 6.01), currently contains an approximately 1116 square foot single family structure.
9. At the time of this Application, and at times thereafter, the lot on 35 Myrtle Avenue (Block 87, Lot 6.01), was an undersized lot.
10. The properties, 33 Myrtle Avenue (Block 87, Lot 5), and 35 Myrtle Avenue (Block 87, Lot 6.01), are both located in the Borough of Keansburg's R-5 Residential Zone.
11. The Borough of Keansburg's R-5 Residential Zone permits single-family homes.
12. As such, the Applicant's initial Zoning application to construct a single family home on 33 Myrtle Avenue (Block 87, Lot 5), was scheduled to be heard by the Board on or about October 16, 2023, upon proper notice by the Applicant.

13. However, the Board carried the application at the October 16, 2023 hearing due to the Applicant's failure to send the "buy/sell" letters to the adjacent owners as the lot on 33 Myrtle Avenue (Block 87, Lot 5), is undersized as required by *Dallmeyer v. Lacey Tp. Board of Adj.*, 219 N.J. Super 134 (Law Div. 1987).
14. Additionally, the Board also notified the Applicant at the October 16, 2023 hearing of the potential that the two (2) subject lots, 33 Myrtle Avenue (Block 87, Lot 5), and 35 Myrtle Avenue (Block 87, Lot 6.01), have merged under the "Doctrine of Merger."
15. Accordingly, the Applicant, through his attorney, and on notice to all affected property owners appeared before the Board for a public hearings on or about April 29, 2024 for the following relief: (a) a determination that the undersized and vacant lot on 33 Myrtle Avenue (Block 87, Lot 5), has not merged with the lot on 35 Myrtle Avenue (Block 87, Lot 6.01) under the "Doctrine of Merger,"; and (b) Bulk Variance relief for the construction of a single family home on the vacant lot on 33 Myrtle Avenue (Block 87, Lot 5) in accordance with the *Dallmeyer* standards.
16. Nevertheless, on April 29, 2024, the Board found at the public hearing that the two (2) subject lots, 33 Myrtle Avenue (Block 87, Lot 5), and 35 Myrtle Avenue (Block 87, Lot 6.01), have merged under the "Doctrine of Merger," and by operation of law.
17. Accordingly, the Board did not make a determination as to the Applicant's request for Bulk Variance relief for the construction of a single family home on the vacant lot on 33 Myrtle Avenue (Block 87, Lot 5) in accordance with the *Dallmeyer* standards based upon the Board's finding that the two (2) subject lots have merged under the "Doctrine of Merger," and by operation of law.
18. On May 13, 2024, the board adopted a resolution memorializing its decision finding that the two (2) subject lots have merged under the "Doctrine of Merger," and by operation of law.
19. Notice of the decision of the resolution was published on May 18, 2024.
20. On July 2, 2024, the Applicant filed an appeal with the Monmouth County Superior Court to overturn the Board's decision merging the two (2) subject lots under the Doctrine of Merger.
21. However, the Applicant voluntarily dismissed the appeal without prejudice pending the application herein, and resolution of any and all other matters between the Applicant and Keansburg Planning Board/Borough of Keansburg.
22. Accordingly, the Applicant has filed a new Application as enclosed herein for bulk variance relief.

23. Based upon the merger of the two (2) lots under the previously approved Doctrine of Merger by the Board, the lot is not undersized and a fully conforming lot.
24. As such, the Applicant is currently seeking as built approval for expansion of the rear second floor bedroom due to the change in design and also relocation of the driveway.
25. The only variances triggered as a result of the application herein is front yard setback, and rear yard setback which is set forth in the application hereto.
26. The Applicant has also agreed to relocate the driveway from the previously separate lot on 35 Myrtle Avenue to the previous vacant lot on 33 Myrtle Avenue in order to eliminate any setback variance for the driveway.
27. All application documents, including the application form, plot plans, architectural plans, zoning denial letter, and all other required submissions are attached to the application and as set forth in the cover letter hereto.