

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT
MEMORIALIZING RESOLUTION
CRAIG W. KING & MELISSA J. ZOMACK
135 MOUNTAIN AVENUE
Block 503, Lot 5

WHEREAS, the applicants are the owners of property located at 135 Mountain Avenue, Pequannock Twp, New Jersey, Block 503, Lot 5, located in the R-22 zone district; and

WHEREAS, the applicants have requested approval to construct an addition to an existing single family residence which will result in a deficient rear yard of 31.52' instead of the required 50'; and

WHEREAS, testimony was taken at a public hearing on February 3, 2011 the Board took sworn testimony and the applicant and the public were afforded the opportunity to be heard and participate in the application and to make comments; and

WHEREAS, the Board has reviewed and considered all of the evidence and the testimony at the public hearings from which the Board makes the following factual findings:

1. All proper public notice has been given in accordance with the municipal land use law.
2. The subject property is a flat, generally rectangular lot located at the southwest junction of Mountain Avenue and Mead Place. It is presently improved with an existing single family dwelling. Although the property has substantially more lot area required by the zone, it is only 126' deep. The location of the existing house is only 55' from the rear property line and, therefore, any addition to the rear of the house would require a setback variance.
3. Sufficient space exists to the west of the house to easily accommodate an addition. However, because of the internal layout of the house an addition could not be accommodated there. Moreover, the primary purpose of the addition is to create a two car garage. The existing house was arranged for a garage facing Mead Place and the existing driveway gives access only to Mead Place. No member of the public appeared to testify in connection with this application.
4. No members of the public appeared to testify at the public hearing of this application.

Based upon the above factual findings, the Board has reached the following conclusions:

1. The applicants have sustained their burden under N.J.S.A. 40:55D - 70c (1) (a) that by reason of the shape of this specific piece of property there is a zoning hardship and the strict enforcement of the rear yard setback requirement of the zoning ordinance would impose exceptional practical difficulties to this property. The hardship is that the property is shallow and will not accommodate any reasonable addition to the rear of the house, although that is the most appropriate place for the addition from both a functional and architectural standpoint.

2. The applicants have sustained their burden under N.J.S.A. 40:55D-70c(2) in that the benefits of granting the requested variance substantially exceed any detriment which there may be and the Board finds that there is no detriment. The benefits to the public are the enhanced visual environment in the neighborhood and additional ratables to the Township.

3. The requested variance can be granted without substantial detriment to the zone plan, zoning ordinance or the public good.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Pequannock this 3rd day of March, 2011 that it now ratifies, memorializes and adopts the action taken at its meeting on February 3, 2011 granting the application of Craig W. King and Melissa J. Zomak for a dimensional variance to permit a rear yard of 31.52' instead of the required 50' subject to the following conditions:

1. All construction will be in substantial conformity with the plans filed with the application, prepared by Architecture Partnership of Sparta New Jersey dated 10/21/10.

2. No permits and/or certificate of occupancy shall be issued for the construction permitted by this resolution, unless and until all fees, costs and escrows required in connection with this application have been paid in full.

I hereby certify that the above is a true copy of a resolution adopted by the Board of Adjustment of the Township of Pequannock at its regular meeting on March 3, 2011.



Linda Zacharenko, Secretary

3/4/11