

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT
MEMORIALIZING RESOLUTION
GEORGE H. SHARPE
45 BROOKSIDE AVENUE
Block 2302, Lot 6

WHEREAS, the applicant is the owner of property located at 45 Brookside Avenue, Pompton Plains, New Jersey, Block 2302, Lot 6, located in the R-15 zone district; and

WHEREAS, the applicant has requested approval to construct an addition to an existing single family house, including a front porch across the front of the house which will increase the building coverage of the site from the existing of 15.8% to 17.37% which exceeds the maximum permitted of 17% and will reduce the front yard from the existing 35.5' to 30.5', whereas the minimum required front yard is 35'; and

WHEREAS, testimony was taken at a public hearings on September 2, 2010, at which time 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, rectangular lot fronting on the southeast side of Brookside Avenue in the R-9 zone. It is presently improved with a single family residence and in-ground swimming pool. Except for the distance of the existing shed at the rear of the property from the rear property line, all other aspects of the property are conforming to the zone requirements.
3. The applicant seeks to construct a front porch to the existing dwelling primarily for aesthetic reasons. However, the porch would also improve the house environmentally by providing much needed shade thereby limiting the energy requirements of the home.
4. Other properties in the immediate vicinity of this house have front porches which also intrude into the front yard.
5. The applicant has minimized the intrusion into the front yard, by limiting the porch to 5' in width.
6. No members of the public appeared to testify in connection with this application. However, one neighbor prepared a written statement dated September 2, 2010 which was introduced into evidence as Exhibit A-1 supporting the application. It was clearly placed on the record that written statements from persons not present at the public hearing can only be given very limited weight.

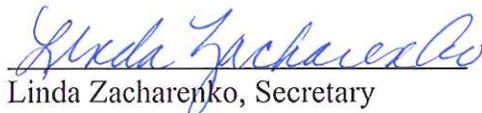
Based upon the above factual findings, the Board has reached the following conclusions:

1. The benefits of granting the requested variance substantially exceed any detriment which there may be, and the Board finds that there is no detriment.
2. The benefit to the public the enhanced visual environment in the neighborhood and the creation of additional rateables for the Township.
3. The requested variances can be granted without substantial detriment to the zone plan, zoning ordinance or the public good.
4. There does not appear to be any zoning hardship or public benefit for granting a variance to permit the existing shed to remain in a non-conforming location and, therefore, the applicant must move the shed to a conforming location.
5. At the hearing, the applicant presented a revised front page to the plan prepared by James P. Cutillo, which revision is dated 9-1-10. Several requested corrections were made, but the zoning table still contains the incorrect tax block number which should be corrected.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Pequannock this 7th day of October, 2010 that it now ratifies, memorializes and adopts the action taken at its meeting on September 2, 2010 granting the application of George H. Sharpe for a variance to permit a front yard setback of 30.5' instead of the required 35' and building coverage of 17.37% instead of a maximum permitted of 17%, subject to the following conditions:

1. All construction will be in substantial conformity with the plans prepared by James P. Cutillo dated 05-28-10 and most recently revised 9-1-10 as those plans will be further revised in accordance with this resolution, including the relocation of the shed to a conforming location.
2. The shed in the rear yard must be moved to a conforming location.
3. 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 September 2, 2010.


Linda Zacharenko, Secretary

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT
MEMORIALIZING RESOLUTION
KRISTIN & JAMES RILEY
8 BURT AVENUE
Block 2601, Lot 34

WHEREAS, the applicants are the owners of property located at 8 Burt Avenue, Pompton Plains, New Jersey, Block 2601, Lot 34, located in the R-11 zone district; and

WHEREAS, the applicants have requested approval to construct a porch addition to an existing single family home which would reduce the front yard from 41.8' to 34.4' in the primary front yard and to 36.5' in the secondary front yard facing Atwood Avenue, whereas 50' is required for both front yards; and

WHEREAS, testimony was taken at a public hearing on September 2, 2010, at which time 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 square lot located at the southwest corner of the intersection of Burt Avenue and Atwood Avenue. It is presently improved with a two story frame dwelling which faces Burt Avenue. The applicants propose to construct a porch addition to the front of the house facing Burt Avenue which would reduce the existing front yard setback from 41.8' to 34.4'.
3. The intrusion to the Burt Avenue front yard would also constitute the extension of the existing front yard deficiency facing Atwood Avenue. However, the Atwood Avenue facade would merely be extended in line with the existing facade and would only reduce the existing front yard facing Atwood by .2'. Pursuant to ordinance section (189.07.020S2), extensions of existing non-conforming conditions on residential lots does not constitute a variance provided that the addition or expansion is "less than equal to the existing set back conditions footprint OR the proposed setbacks are consistent with the average setbacks on the block...". It is not clear from the testimony whether this condition is consistent with the neighborhood, but it is clear that it is a very minimal additional intrusion into the Atwood Avenue front yard setback which the board considers the *de minimis*.
4. Board members noted on the record at the public meeting, that this corner lot has a particular openness about it and therefore, the additional intrusion into the front yard of the decorative front porch has a very limited impact on the neighborhood.

5. That applicants testified that the shed which is shown on the plans submitted with the application has been moved to a conforming location and the coverage calculations requested by the Board Planner have been provided.

6. The applicants further pointed out that the house is not square to the property lines and therefore there are slight variations in the setback distances from one side of the house to the other.

7. No members of the public appeared at the public hearing to testify in connection with this application.

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

1. The benefits of granting the requested variance substantially exceed any detriment which there may be, and the Board finds that there is no detriment.

2. The benefit to the public the enhanced visual environment in the neighborhood and the creation of additional rateables for the Township.

3. The requested variances 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 7th day of October, 2010 that it now ratifies, memorializes and adopts the action taken at its meeting on September 2, 2010 granting the application of Kristin & James Riley for a front yard setback on the Burt Avenue side of 34.4' and as shown on the plan, a secondary front yard setback of 36.5' on the Atwood Avenue side of the property, subject to the following conditions:

1. All construction will be in substantial conformity with the plans presented at the public hearing entitled "Site Development Plan for Lot 34 in Block 2601, T.M. prepared by Boyce L. McGeoch dated 6/4/10 and most recently revised 8/18/10.

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 October 7, 2010.



Linda Zacharenko, Secretary