

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT
MEMORIALIZING RESOLUTION

Ronald and Nancy Baran
6 Pearl Avenue
Block 303, Lot 12

WHEREAS, the applicants are the owners of the property located at 6 Pearl Avenue, Block 303, Lot 12, located in the R-15 zone district; and

WHEREAS, the applicants propose to construct an addition to a single family residence, which would require dimensional variances to permit combined side yard setbacks of 27.1 feet instead of the required 35, feet and 16% building coverage instead of the 15% maximum permitted; and

WHEREAS, testimony was taken at a public hearing on May 7, 2009 at which time the Board took sworn testimony and both 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 generally rectangular lot located on north side of Pearl Avenue and is presently improved with a 1 ½ story single family frame dwelling, a substantial playhouse and a frame shed which straddles the west property line. The existing structure is comprised of two parts. To the rear of the property is an older section which is generally rectangular and is set approximately 18 feet from the rear property line. An earlier addition was constructed some years ago and is generally square and is set 10.1 feet from the east property line and closer to the front of the lot.
3. The applicants testified that the older section has outlived its usefulness, is infested with termites and is not worth saving. Consequently, they propose to remove the old section of the existing house and construct a two-story addition which would have a rear yard setback of 56 feet, thereby bringing the existing non-conforming rear yard into a conformity with the required rear yard setback. The new addition would have a 17 foot side yard setback from the west property line which conforms to the minimum single side yard requirement but leaves combined side yards of 27.1 feet instead of the required 35 feet.
4. The applicants propose to entirely remove the existing playhouse and to relocate the existing shed to comply with all setback requirements.
5. The applicants submitted architectural renderings prepared by Richard J. Trautwein, AIA, showing the proposed addition together with floor plans of the proposed addition.
5. The Township Health Department has submitted a memorandum indicating that the lot will support the proposed expansion of the septic system which will meet all current codes.

6. No members of the public appeared to testify in connection with 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(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.

2. The Board concludes that there is an additional benefit to the public in that the property will be brought more in compliance with the zoning ordinance. The rear yard will be brought into full compliance with the setback requirement and one of the two accessory structures will be removed thereby bringing the property into compliance with the requirement that there be only one accessory structure. In addition, the existing shed will be relocated so that it no longer straddles the west property line and it will comply with the setback requirements.

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 4th day of June, 2009 that it now memorializes, ratifies and adopts the action taken at its meeting on May 7, 2009 granting the application of Ronald and Nancy Baran to construct an addition to the existing single family house on the subject property which would have combined side yards of 27.1 feet instead of the required 35 feet and an impervious lot coverage of 16.126 % building coverage instead of the 15% maximum permitted, subject to the following conditions:

1. All construction shall be in substantial conformity with site plans prepared by the applicants dated February 16, 2009 and marked Exhibit A1, the architectural plans prepared by Richard J. Trautwein dated 1-16-09 and the testimony given at the public hearing on May 7, 2009.

2. The applicants shall relocate the shed which straddles the west property line and shall remove permanently the playhouse which is now on the subject property.

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 June 4, 2009, by a vote of 8 to 0 .



Linda Zacharenko, Secretary

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT
MEMORIALIZING RESOLUTION

Jamie and Nicol Piro
14 Romondt Road
Block 2008, Lot 4

WHEREAS, the applicants are the owners of the property located at 14 Romondt Road, Block 2008, Lot 4, located in the R-9 zone district; and

WHEREAS, the applicants request approval to retain and complete their remodeling of the garage of this single family house which results in the elimination of the only enclosed garage space on the subject property; and

WHEREAS, testimony was taken at a public hearing on May 7, 2009 at which time the Board took sworn testimony and both 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 located on the north side of Romondt Road and is presently improved with a 1 ½ story frame dwelling which conforms to all dimensional requirements of the ordinance. However, the applicants recently renovated the garage to convert it to living space, thereby eliminating the only enclosed garage on the property. In 2006, the year that the applicants purchased the subject property, the Township changed the zoning ordinance to require two on-site parking spaces for all single family homes, one of which must be provided in an enclosed garage.
3. The property also contains a free standing accessory shed which is located 4 feet from the property line instead of the required 5 feet. The applicants have asked for a variance to permit this shed to remain exactly where it is because it is located on a concrete pad .
4. Mr. Piro testified that the existing house is very small. There are two bedrooms upstairs, but no closets in those rooms. Testimony further indicated that the neighborhood consists of many similar homes, many of which have been renovated in the same manner in which the applicant has renovated this home.
5. Two neighbors appeared at the hearing and testified that they have no objection to the remodeling of the garage as described by the applicants and as it currently exists. However, they were extremely concerned about fill which the applicants have bought to the site, apparently without any permit. They were also concerned that the applicants did not apply for a variance prior to renovating the garage. Further, they objected to the applicants' failure to comply with building and zoning regulations until the Township brought enforcement action.
6. The Board has received a memorandum, dated 5-7-09, from the Township construction official and copies of correspondence to the applicants from the Township engineer relating to the issue of fill. The Board acknowledges that these are significant matters which directly

affect land use development, but they are matters over which the Board of Adjustment has no jurisdiction. Consequently, it would be inappropriate for the Board to take those comments into consideration in its deliberation in this case and it has not done so.

7. Several members of the board reported on their personal site inspections of the subject property and the neighborhood and confirmed that the neighborhood consists of houses similar to that in question in this application, and the fact that many of those houses have what appear to be garages that have been converted to living space.

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(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.

2. The applicants have satisfied their burden to demonstrate that there are no substantial detriments to the granting of this variance. The Board has taken into account the fact that there is no external change to the existing premises, merely an alteration of internal space. In addition, the use of the renovated space is for single family residential purposes, which is the permitted use in this zone. Testimony indicated that there is ample space in the driveway for two vehicles and therefore the applicants provide the correct number of on-site parking spaces. Therefore, the only violation in this case is the absence of an enclosed garage space. However, in this neighborhood that is a common condition.

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 4th day of June, 2009 that it now memorializes, ratifies and adopts the action taken at its meeting on May 7, 2009 granting the application of Jamie and Nicol Piro for permission to retain the renovated garage space in spite of the fact that leaves the subject property with no enclosed garage space, subject to the following conditions:

1. Granting of this variance does not relieve the applicants of compliance with any other governmental regulations which affect the subject property.

2. The shed shall be moved to a conforming location on the property, on or before July 31, 2009.

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 June 4, 2009, by a vote of

8 to 0 .



Linda Zacharenko, Secretary