

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT  
MEMORIALIZING RESOLUTION  
WILLIAM & ALLISON LeGATES  
19 TILLEY AVENUE  
Block 2604, Lot 10

WHEREAS, the applicants are the owners of property located at 19 Tilley Avenue, Pequannock Twp, New Jersey, Block 2604, Lot 10, located in the R-11 zone district; and

WHEREAS, the applicants propose to construct an addition to the existing single family house which will create a dimensional variance for a front yard setback of 45.8' instead of the required 50'; and

WHEREAS, testimony was taken at a public hearing on August 4, 2011, 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 parcel located on the south side of Tilley Avenue having 75' of frontage on Tilley Avenue and a average depth of approximately 227'. The property is presently approved with a one and one-half story frame dwelling to which the applicants have constructed a new second floor and now wish to add a front porch as a architectural amenity.
3. Because the front facade of the house is situated at or near the required setback line, the addition of the 6' front porch will intrude into the required front yard setback.
4. There was extensive testimony that other houses on this block have front porches that intrude as much or more into the front yard. In fact, it was the porches on this block which precipitated a recent amendment to the zoning ordinance to permit an averaging of front porch setbacks for zoning purposes. The ordinance was changed from the prevailing average on the entire block, to the average of the house on either side of the subject property. By that rule this property would be permitted to have a 4'3" wide front porch, whereas the applicants are requesting permission to build a 6' wide front porch. In fact, a 6' front porch would be less intrusive into the front yard than the house on the adjacent property which has only a 44' front yard setback.
5. 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 applicant has sustained her 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 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 1st day of September, 2011 that it now ratifies, memorializes and adopts the action taken at its meeting on August 4, 2011 granting the application of William and Allison LeGates for a front yard setback of 45.8' instead of the required 50' subject to the following conditions:

1. All construction shall be in substantial conformity with the plans filed with the application, prepared by James P. Cutillo, Architect, dated April 21, 2011, and the testimony given at the public hearing on August 4, 2011.
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 the Township of Pequannock at its regular meeting on October 6, 2011.

  
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Linda Zacharenko, Secretary