

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT
MEMORIALIZING RESOLUTION
CRAIG AND SHARON TANIS
10 EVELYN PLACE, PEQUANNOCK TOWNSHIP, NEW JERSEY
Block 1806, Lot 15

WHEREAS, the applicants are the owners of property located at 10 Evelyn Place, Pequannock Township, New Jersey, Block 1806, Lot 15 located in the R-15 zone district; and

WHEREAS, the applicants propose to construct an addition to an existing single family house which would cause the combined side yards to be 29.4' instead of the required 35';

WHEREAS, testimony was taken at a public hearing on September 5, 2012, 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, presently improved with a single family residence, an in ground swimming pool, frame shed and air conditioning condenser. The applicants propose to add a 392 sq. ft., one story addition to the west side of this existing split level frame dwelling.

3. Because of the internal structure of the house and the room layout, there is no other place to which an addition could be appropriately constructed to this house and still maintain appropriate alignment between the addition and the existing structure.

4. The only concern raised by the plan is this removal of a large existing tree on the west side of the house. However, testimony indicated that that tree is at the end of its life and its removal in the relatively near future is fairly certain. In order to compensate for the removal of the tree, the applicants have agreed to install appropriate new landscaping.

5. Other residences in the neighborhood have similar additions and there has been no detriment to the neighborhood from those additions.

6. The total deficiency of required combined side yards is only 5.6' and neither proposed side yard will be less than the minimum side yard required in this zone district.

7. 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 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 October, 2012 that it now memorializes, ratifies and adopts the action taken at its meeting on September 6, 2012 granting the application of Craig and Sharon Tanis to construct an addition to a single family house on the subject property with a combined side yard of 29.4' instead of the required 35', subject to the following conditions:

1. All construction will be in substantial conformity with the site plan filed with the application prepared by Robert Murphy, Architect, dated 8/19/12, as those plans are to be revised in accordance with this resolution.

2. Before the issuance of any permits in connection with the approvals granted in this resolution, the applicants shall cause the plans submitted with the application to be corrected in accordance with the discussions at the hearing and the comments in the Board Planner's report dated August 30, 2012 to include corrected building height, front yard and building coverage and to include the proper signature block.

3. No permits 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 4, 2012.

Linda Zacharenko 10/5/12
Linda Zacharenko, Secretary