

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT  
MEMORIALIZING RESOLUTION  
ANNA ORMSBY  
210 WOODLAND COURT, PEQUANNOCK TOWNSHIP, NEW JERSEY  
Block 1802, Lot 1-01

**WHEREAS**, the applicant is the owner of property located at 210 Woodland Court, Pequannock Township, New Jersey, Block 1802, Lot 1-01, located in the R-15 zone district; and

**WHEREAS**, the applicant proposes to construct a new residence on a vacant lot which would have a combined side yard of 32.5' instead of the required 35' and building coverage of 15.9% instead of the maximum permitted of 15%; and

**WHEREAS**, testimony was taken at a public hearing on October 4, 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 generally rectangular parcel except that the front property line is at an angle to the side lines. This lot was created by a relatively recent two lot subdivision granted by the Township Planning Board because the lots technically do not abut an approved street. Directly in front of the front property line is the City of Newark Water Company pipeline. Across the pipeline from this lot is the paved portion of Woodland Court.
3. The applicant presented testimony that an easement has been granted by the Newark Water Company to cross the pipeline with a driveway. However, no documentation was ever provided confirming that easement and therefore the Board has required the applicant to produce a document showing that she has the right to construct a driveway across the City of Newark pipeline.
4. The reduced combined side yards is a direct result of the width of the property. The zoning ordinance calls for lots of 100' width in this zone. However, the subject property has only 80.92' of width, thereby creating a hardship when it comes to the combined side yard requirements. It should be noted that both side yards will provide the minimum setback requirement and the deficiency on the combined side yards is only 2.5'.
5. The Board notes that the overall size, scale and appearance of the house is consistent with other houses in this neighborhood.
6. The total lot area of the subject property is 15,153 sq. ft. and therefore the total permitted building coverage of 15% would allow 2,272.9 sq. ft. of coverage. The applicant proposes an additional 151 sq. ft. or a total of 2,424 sq. ft. However, only 1,970 sq. ft. of that total is devoted to living area, the balance is for the garage and a covered porch.

7. The Board notes that the total impervious coverage proposed for the site is well within that allowed by the ordinance. Permitted is a 35% impervious coverage and proposed is 25.7%.

8. One member of the public appeared to testify wholeheartedly in favor of the proposal and welcomed what he believed will be a very substantial improvement to the visual environment of the neighborhood.

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(1)(a) that by reason of the narrowness of this specific property as permitted by the planning boards subdivision approval, there is a zoning hardship and the strict enforcement of the combined side yard requirement of the zoning ordinance would impose an exceptional practical difficulty to this property. Because the property is almost 20% deficient in lot width, the combined side yard requirement of the zoning ordinance imposes a particular hardship on this specific piece of property.

2. The applicant has also sustained her burden for preliminary and final approval under N.J.S.A. 40:55D-70c(2) in that the benefits of granting the requested variance for .9% excess building coverage 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. By allowing this minimal increase in building coverage the Board is allowing the house to be built more in conformity with other houses in this neighborhood.

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 1st day of November, 2012 that it now memorializes, ratifies and adopts the action taken at its meeting on October 4, 2012 granting the application of Anna Ormsby with the constructing residence on subject property having a combined side yard of 32.5' instead of the required 35' and building coverage of 15.9% instead of the maximum of 15%, subject to the following conditions:

1. All construction will be in substantial conformity with the plans filed with the application, prepared by Robert Adam Puzio, AIA Architect, dated 9/20/12.

2. Applicant will confer with the Board planner and Township engineer exercising the maximum effort to retain the three large trees toward the front of the property which were identified at the public hearing on October 4, 2012.

3. Prior to the issuance to any permits pursuant to the approval granted herein, the applicant shall supply to the Township building department documentary evidence confirming her right to construct a paved driveway across the Newark Water Company property to the Woodland Court.

4. 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 ~~November 1~~, 2012.  
*December 6*

  
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Linda Zacharenko, Secretary

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT  
MEMORIALIZING RESOLUTION  
TRACEY DRAYTON & DENNIS MURPHY  
16 ANDREWS PLACE, PEQUANNOCK TOWNSHIP, NEW JERSEY  
Block 2503, Lot 22

WHEREAS, the applicants are the owners of property located at 16 Andrews Place, Pompton Plains, New Jersey, Block 2503, Lot 22, located in the R-11 zone district; and

WHEREAS, the applicants request a variance under N.J.S.A.40:55D-70d(1) to construct an addition to an existing single family residence which would have building coverage of 19.4% and thereby exceeding the maximum allowed of 16%; and

WHEREAS, testimony was taken at a public hearing on October 4, 2012 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 east side of Andrews Place and is presently improved with a one story frame residential dwelling. The applicants propose to construct a 404 sq. ft. addition to the northeast corner of the home in order to increase the living space. Essentially, the decision was made to increase the footprint of the structure, rather than add a second story which would not require a variance, but would have a greater impact on the streetscape of the neighborhood. Most of the houses in this neighborhood are one story and, by adding a second floor, to this house which is in the middle of the block would significantly detract from the overall consistency of the construction of the rest of the neighborhood.
3. The applicants propose to reduce the size of the front porch from 115 sq. ft. to 84 sq. ft. thereby reducing total building coverage. They also have agreed to remove a 115 sq. st. shed which is presently in the southeast corner of the lot.
4. By reducing the covered porch on the front of the house, the applicants are actually increasing the front yard setback which currently is only 41'11". The proposed front yard setback would be 44' 7", thereby increasing the front yard setback. Consequently, even though the applicants applied for a front yard setback because the proposed setback is less than the 50' required, no variance is required in this instance because they are reducing a preexisting nonconformity.
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 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 primary benefit of granting the requested variance is that the additional space will substantially improve the quality of life in the house and the addition will not significantly affect the overall appearance of the neighborhood. In fact, the location of the addition to the rear of the house will make it virtually undetectable from the street. Adding a second story to this property would have a significant negative impact.

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 1st day of November, 2012 that it now ratifies, memorializes and adopts the action taken at its meeting on October 4, 2012 granting the application of Tracey Drayton and Dennis Murphy for a variance to permit building coverage of 19.4% instead of the maximum permitted of 16% subject to the following conditions:

1. All construction shall be in substantial conformity with the plans filed with the application, prepared by Richard J. Trautwein, AIA Architect, dated 8/13/12, and most recently revised 9/13/12.

2. No permits and/or certificate of occupancy shall be issued 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 ~~November 1~~, 2012.

*December 6*

  
Linda Zacharenko, Secretary