

**AMENDED RESOLUTION
TOWNSHIP OF WASHINGTON
ZONING BOARD OF ADJUSTMENT**

WHEREAS, Jonathan & Lynne Moore (collectively the "Applicants") has applied to the Zoning Board of Adjustment of the Township of Washington for zoning approval to permit the addition of a second level with attic to an existing ranch-style home, to enclose an existing carport and to replace an existing deck at the location known as 573 Willow Street and designated as Lot 1 in Block 3211 on the Tax and Assessment Map of the Township of Washington, and

WHEREAS, the proposed application seeks a height variance from the zoning code where the proposed height of 28.5' for the addition exceeds the permitted 25.00' height of residential structures in violation of the local zoning code, Section §245-21; and

WHEREAS, on July 19, 2016 a public hearing was held at which time testimony and arguments were given on behalf of the Applicants; and

WHEREAS, on July 19, 2016, the Board after due consideration and deliberation voted to grant the variance requested to permit the proposed construction; and

WHEREAS, all Board members who were present voted to approve the Application; and

WHEREAS, pursuant to N.J.S.A. 40:55D-10(g), said decision must be reduced to writing and include findings of fact and conclusions of law based thereon; and

WHEREAS, on August 16, 2016, the Board of Adjustment in an open and public session, does hereby adopt, ratify and confirm the following as its findings of fact and conclusions of law:

1. The Applicants are the owner of the premises known as Lots 1 in Block 3211 on the tax assessor's map of the Township of Washington, more commonly known as 573 Willow Street.
2. The property is a single-family ranch-style home.
3. The Applicants seek to add a second floor and attic to their existing ranch-style home with a proposed height of 28.5 feet where 25 feet are permitted.
4. A variance is required under Township Ordinance §245-21 (which regulates Class B Residential District Height Restrictions in the Residential Zone). The Applicants are seeking this relief under N.J.S.A. 40:55D-70(d)(6).

5. The Applicants testified together that the additional height was necessary to accommodate air conditioning equipment and that the proposed height and construction would be consistent with other properties in the immediate area.

6. The Applicants' application was supported by the testimony of their architect, Jordan Rosenberg, R.A., who confirmed that the additional height was necessary to accommodate the proposed air conditioning equipment, that the house has otherwise been designed to minimize the height as much as possible, and that the proposed design and height represent an aesthetic improvement to the property and the surrounding neighborhood. Moreover, the proposed design, including the height, are consistent with the design and height of other properties in the immediate area. Conversely, without the addition and increased height, the existing residence would be out of scale with other nearby properties.

7. The Applicants confirmed that the proposed attic space may be suitable for storage but would not be habitable.

8. No members of the public appeared in connection with this Application.

9. The Zoning Board having been satisfied with the proofs presented and based upon the foregoing findings of fact hereby conclude that:

A. This Resolution is not intended to be all encompassing, but merely a summary of the testimony, exhibits and other evidence presented and relied upon by the Board during the hearings on this Application, all of which are included herein by reference.

B. The granting of the Applicants' application including the variance for the height variance for the proposed building height of 28.5' is appropriate and approved.

C. Particularly, given the aesthetic improvement of the proposed construction the property as contemplated in the submitted plans will be harmonious and consistent with other residences in the immediate area, the Board hereby finds that the granting of the variance far outweighs any detriments and the variance should be granted. Indeed the Board finds that there would be no substantial

detriment to the surrounding neighborhood nor to the Township's Master plan were the variance to be granted and the application be approved

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Washington on this 18 day of October, 2016, that based upon the findings of fact previously set forth, the Zoning Board of Adjustment determines that the Application is granted, subject to the Applicants paying all the necessary fees and permit costs to the Township of Washington, complying with all applicable rules, regulations and laws of the Township of Washington.

Moved By: *MR MIRAS, MR DeSena*

Seconded By: *MR DeSena*

On October 18, 2016 according to the below indicated votes:

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Mr. Asfar	[✓]	[]	[]	[]
Mr. Miras	[✓]	[]	[]	[]
Ms. Burke	[✓]	[]	[]	[]
Mr. Cumming	[]	[]	[]	[✓]
Mr. Mouravieff	[✓]	[]	[]	[]
Ms. Ozment	[✓]	[]	[]	[]
Mr. DeSena	[✓]	[]	[]	[]
Mr. Toro	[]	[]	[]	[✓]
Mr. Smith	[]	[]	[]	[✓]

APPROVED [X]

DISAPPROVED []

Attest:

Approved:

Patricia McDermott
 Pat McDermott, Acting Secretary

Thomas Asfar 10-18-16
 Thomas Asfar, Chair

I hereby certify the foregoing to be a true and accurate copy of a resolution adopted by the Board of Adjustment of the Township of Washington at a meeting held on 18 day of October, 2016

RESOLUTION
TOWNSHIP OF WASHINGTON
ZONING BOARD OF ADJUSTMENT

Introduced by:

Burke Cumming DeSena Miras Mouravieff Osment Toro Asfar

Seconded by:

Burke Cumming DeSena Miras Mouravieff Osment Toro Asfar

WHEREAS, RICHARD and JoANN WYNES (the "Applicants") have applied to the Zoning Board of Adjustment of the Township of Washington for a variance from the zoning code to allow construction of a two-story addition to the north side of the existing residential dwelling on a corner property, which requires two 20-foot front yard set backs, and a front yard setback of 11.25 feet to Birch Avenue is proposed for the property known as 699 Beech Street and designated as Lot 17, Block 3116 on the Tax and Assessment Map of the Township of Washington; and

WHEREAS, the Township of Washington Zoning Board of Adjustment after carefully considering the testimony of applicant, Richard Wynes and his architect, Vincent Benanti evidence presented by applicants, and Board discussion and comments during the general public hearing held on September 20, 2016, as well as the August 26, 2015 and June 16, 2016 reports of Michael L. Ritchie, P.L.S. of Azzolina & Fuery, Inc., 30 Madison Avenue, Paramus, NJ;

WHEREAS, the Township of Washington Zoning Board of Adjustment has reviewed the following:

- a. Township of Washington Application for Variance by applicants, Richard and JoAnn Wynes dated August 10, 2016;
- b. The reports of the Board's Engineer, Azzolina & Fuery Engineering, Inc. dated August 26, 2015, marked Exhibit A-2, and June 16, 2016, marked Exhibit A-3;
- c. A set of architectural drawings by Vincent Benanti Architect LLC, consisting of one (1) sheet, entitled "Addition & Alteration to Existing Single Family Residence for Wynes," dated December 30, 2015, marked Exhibit A-1;

WHEREAS, the Township of Washington Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

1. The property is presently being used as a residential dwelling and is located in a "B" residential zone;

2. The Applicants seek to construct a two-story addition on the north side of the existing residential dwelling on a corner property, where there is the requirement of two 20-foot front yard setbacks, and where the setback of 33.83 feet set back is proposed for Beech Street, and a variance is required for the 11.25 feet set back proposed for ^{Birch}~~Beech~~ Street, where the proposed addition and existing pool will encroach into the front yard set back along Birch Avenue, and a frame shed as depicted on the site plan encroaches into the Birch Avenue Right-of-Way;

3. Pursuant to N.J.S.A. 40:55D-70c (1), the applicant seeks a variance for hardship from Section 245-22 front yard setback where 20 feet is required for the front yard set back, and 11.25 feet to Birch Avenue is proposed;

4. At the public hearing conducted on September 20, 2016, Richard Wynes testified that the property has two "front yards" with it being a corner lot; that Birch Avenue is not a square street at its intersection with Beech Street, wherein the street is

angled, thereby creating a pie shaped corner and that essentially this causes applicants' dwelling to sit differently on the existing lot; and that the front yard setback requirement is the only relief needed by applicant for the construction; and where the proposed construction is not out of character in the neighborhood and would improve the aesthetics of the property and where due to being a corner lot, requires two front yard set backs;

5. The application complies in all other respects as to side and rear yard setbacks;

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the requested variance is justified under C1 of the statute, in light of the fact that it is generated by the location of the existing dwelling on a lot that sits on a pie shaped corner lot requiring two front yard setbacks; and as such causes a practical difficulty and unnecessary hardship for the applicants to comply with Birch Avenue front yard setback with the proposed construction;

WHEREAS, the Zoning Board of Adjustment has determined that the relief requested by the Applicants can be granted without substantial detriment to the public good and without substantially impairing the intent purpose of the Zoning Ordinance of the Township of Washington, the enforcement of which would result in practical difficulty and unnecessary hardship in the renovation of applicants' house. Moreover, the Board finds that the plan represents a better planning alternative with the least impact on the property as a whole, and is not out of character and is not likely to be a substantial detrimental impact upon any other properties in the neighborhood, and would blend into the surrounding properties;

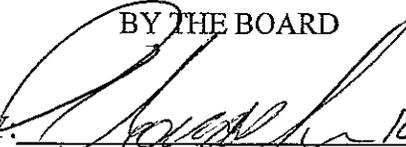
NOW THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of

the Township of Washington on this 18th day of October, 2016 that based upon the findings of fact and documents submitted for review as previously set forth, the application of Richard and JoAnn Wynes is hereby granted to allow applicants to construct a two-story addition on the north side of the existing residential dwelling in conformity with the plans submitted to this Board and in compliance with the requirement outlined in the June 16, 2016 report of the Board's Engineer, Azzolina & Fuery Engineering Inc. (Exhibit A-3) item #4 on page 2, wherein the frame shed that encroaches into the Birch Avenue Right-of-Way be relocated or removed by applicants;

BE IT FURTHER RESOLVED that pursuant to the Code of the Township of Washington, the variance granted will expire within one year from the date of this Resolution if construction is not commenced, however, this Board reserves the right to grant extensions of time from this Resolution if circumstances warrant the same;

BE IT FURTHER RESOLVED, that the Secretary of the Zoning Board of Adjustment of the Township of Washington is hereby directed to mail a copy of this Resolution to applicant; to furnish a copy to the building department; to file a copy of this Resolution with the Township of Washington Clerk; and to cause a notice of this determination of the Zoning Board of Adjustment to be published in the official newspaper of the Township of Washington within ten (10) days of the date hereof and thereafter published according to law.

Dated: October 18, 2016

BY THE BOARD
BY:  10-18-16
Thomas Asfar, Chairman

Certified to be a true copy of the Resolution adopted by the Zoning Board of
Adjustments of the Township of Washington at its meeting on Tuesday, October 18, 2016.

Patricia McDermott

Pat McDermott, Acting Secretary

	Ayes	Nays	Abstain	Absent
Burke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cumming	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DeSena	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Miras	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mouravieff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Osment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Asfar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>