

RESOLUTION
TOWNSHIP OF WASHINGTON
ZONING BOARD OF ADJUSTMENT

Introduced by:

Forray, Grimaldi, Hanna, LaGratta, Ozment, Plantamura, Werfel, Toro, Goetz (Chairman)

Seconded by:

Forray, Grimaldi, Hanna, LaGratta, Ozment, Plantamura, Werfel, Toro, Goetz (Chairman)

WHEREAS, ALEXIS C. FAN (the "Applicant") has applied to the Zoning Board of Adjustment of the Township of Washington for variances from the zoning code to allow the Applicant to increase the roof height of an existing non-conforming detached garage to construct an 875 square foot mezzanine level. The subject property is developed with a two (2) story single family residence and a non-conforming oversized garage located in the AA zone. The Application requires variances for side yard setback and garage floor area. The Applicant seeks approval for a side yard setback of 9.4 feet where a minimum of 15.00 feet is required. The side yard setback is a pre-existing non-conformity that is not changing. The Applicant also seeks approval for a garage floor area of 3,263.72 square feet where a maximum of 750 square feet is permitted. The garage floor area is a pre-existing non-conformity that is not changing. The property is known as 134 Ridgewood Road and designated as Lot 5, Block 2506 on the Tax and Assessment Map of the Township of Washington; and

WHEREAS, the Township of Washington Zoning Board of Adjustment carefully considered the statements of applicant's attorney, Robert J. Mancinelli, Esq. and John A. Conte, Jr., testimony of applicant, Alexis C. Fan, testimony of the Applicant's Architect, Vincent C. Graziano, AIA,s, and

evidence presented by the applicants and their Attorney and Board discussion and comments during the general public hearings held on February 13, 2018 and May 15, 2018 as well as the May 31, 2017, February 13, 2018, and May 14, 2018 reports of Paul Azzolina, PE, CME of Azzolina & Fuery, Inc., 30 Madison Avenue, Paramus, New Jersey, 07652;

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

- a. Township of Washington Application for Variance by applicant, Alexis C. Fan, dated October 18, 2017 and consisting of thirty-one (31) sheets;
- b. The report of the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated May 31, 2017 and consisting of three (3) sheets;
- c. The report of the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated February 13, 2018, and consisting of three (3) sheets;
- d. The report of the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated May 14, 2018, and consisting of two (2) sheets;
- e. A proposed Site Plan, Floor Plan and Elevations, prepared by Vincent C. Graziano, AIA, LLC, dated April 14, 2017 and last revised March 30, 2018 and consisting of two (2) sheets;
- f. A Location Survey prepared by All County Surveying, P.C., dated March 30, 2016, and consisting of one (1) sheet;

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

1. The property designated as Lot 5, Block 2506 is presently being used as a residential dwelling and is located in the "Class AA" residential zone. The Applicant's proposed use of the property is permitted in the AA Zone;

2. At the public hearing held on February 13, 2018, the Applicants' Attorney, John A. Conte, Jr., Esq. advised the Board that the Applicant intends to increase the roof height of an existing non-conforming detached garage to construct an 875 square foot mezzanine level. He further advised the Board that the existing garage was previously used for commercial purposes as a plumbing business. However, he advised the Board that the Applicant has no intent to use the garage for commercial purposes. He further advised the Board that the Applicant lives at the property and has already made improvements to the existing residential dwelling located on the property and now intends to renovate the garage.

3. Vincent C. Graziano, AIA, the Applicant's Architect, was sworn in and accepted by the Board as an expert. He testified that the Applicant seeks permission to raise the roof height of the garage from 15.83 feet to 20.00 feet in order to construct a 875 square foot mezzanine level with a balcony. He also testified that there will be some interior renovations such as adding a vestibule and relocating a bathroom and installing a taller garage door in order to accommodate larger vehicles. He testified that there will not be any kitchen or shower in the garage and the renovations would be more aesthetically pleasing and would improve air flow inside the garage.

4. The Applicant, Alexis C. Fan was sworn in and testified that he owns the property and lives there with his wife and children. He testified that he owns a gas station with mechanical repairs in Glen Rock, New Jersey. He further testified that he is an automobile collector and the expansion of the garage would allow him to store auto parts on the mezzanine level and allow more cars to fit in the garage. He testified that there will not be a lift system and any automobiles and auto parts stored there will be his own personal automobiles and not any automobiles related to his business. Mr. Fan testified that he owns sixteen (16) automobiles. Several neighbors and Board members expressed their concern over the height and size of the garage as well as the potential for the property to be used for commercial purposes as was done in the past. Accordingly, the Applicant requested an adjournment to the next meeting in order to speak with his architect and attorney about addressing the Board's and neighbors'

concerns.

5. At the May 15, 2018 meeting the Applicant appeared with his Attorney, Robert J. Mancinelli, Esq, and his architect Vincent C. Graziano, AIA. Mr. Mancinelli advised the Board that the Applicant has submitted revised plans and has eliminated the proposed mezzanine level. He further advised the Board that the property was used for commercial purposes in the past, however, the Applicant agrees to abandon the commercial use as a condition of an approval by the Board. Mr. Mancinelli further advised the Board that the Applicant is not expanding the pre-existing non-conforming side yard setback and garage area and is not seeking any new variances. He advised the Board that the garage door will remain the same size as the current garage door and the Applicant will reduce the height of the roof by one (1) foot.

6. The Applicant's Architect, Vincent C. Graziano, AIA, was sworn in and accepted as an expert. Mr. Graziano testified that the revised plans add gables and decorative dormers to one side of the garage with windows for a more aesthetically pleasing design. He further testified that the proposed height has been decreased from a proposed height of 20.0 feet to 19.0 feet. He testified that the mezzanine level and balcony have been eliminated and the garage door will be replaced with a new garage door that will be the same size as the current garage door. He testified that the interior stairway will be eliminated as well. Mr. Graziano advised that the revised plans are mostly aesthetic improvements to help the garage fit into the characteristics of the neighborhood. He testified that the plans do not enlarge any existing non-conformities. Mr. Graziano discussed the roof ridge elevation as there seems to be a five (5) inch discrepancy with the Borough Engineer's calculations as per Mr. Azzolina's May 18, 2018 letter. In that letter Mr. Azzolina requested the Applicant's Architect provide specific testimony with regard to the roof ridge elevation calculation given the modified roof structure which has been reduced in height. Mr. Graziano agreed that he will reach an agreement with Mr. Azzolina as to the roof ridge elevation calculation as a condition of approval. He further testified that there will be a larger powder room, however, there not be a shower, only a bathroom. Mr. Graziano confirmed that the existing back door of

the garage will remain and the footprint of the building is not changing.

7. The Applicant, Alexis C. Fan, was sworn in and testified that he owns thirteen (13) automobiles for his own personal use as he is a collector. He also owns a plow attachment which he will keep in the garage as well. He further testified that garage is for his personal use only and will only house his automobiles and he will not service any automobiles that he does not own. He testified that there will not be any lifts and the purpose for the vestibule is to hold jackets to be worn with a specific automobile. He testified that he will take an automobile to his business garage if he needs to use a lift. Mr. Fan testified that there will not be a shower in the garage and he is keeping the existing toilet and sink. He testified there are no fire sprinklers, however, he would agree to install a hard wire smoke detector to a central alarm system, if possible.

8. Mr. Mancinelli advised the Board that it has the authority to acknowledge and reconfirm pre-existing non-conforming conditions. He further advised that the Applicant inherited the oversized garage and has made improvements to the residential dwelling and property since he purchased it and seeks to improve the aesthetics of the garage as well. He advised that any negative impacts of approving the application are substantially outweighed by the benefits such as the Applicant's agreement to abandon any commercial use of the property thereby elimination a non-conforming use. He advised that the Applicant has revised his plans to reduce the height of the garage from an already permitted height and does not seek any new variances

9. Pursuant to N.J.S.A. 40:55D-70c (1), the applicant seeks a variance approval for hardship for a side yard setback of 9.4 feet at the garage, where a minimum of 15.00 feet is required. The Applicant also seeks variance approval for garage floor area of 3,263.72 square feet where a maximum garage floor area of 750 square feet is permitted. These are pre-existing non-conformities that are not changing.

10. The application complies in all other respects as to all other setbacks, height, coverage, etc.;

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the requested variances for the side yard setback and garage floor area for the addition are justified under C1 of the statute, in light of the fact that they are pre-existing and are not being expanded and by virtue of the benefit of the Applicant abandoning any commercial use of the property so that the use will conform with the AA zone where the property is located. However, the Board Approves the Application under the following conditions:

- a) The property cannot be used for commercial use;
- b) The Applicant will only use the garage for his own personal use and can only store and service automobile parts and automobiles that are owned by the Applicant;
- c) The Applicant's architect will confirm and reach agreement with the Township Engineer as to the roof ridge elevation calculation;
- d) There will not be any lifts on the property;
- e) The Applicant will not install a kitchen or any bedrooms;
- f) The Applicant will not add any plumbing fixtures and there will not be any shower in the garage bathroom.
- g) The Applicant will submit to the Township Engineer a survey, dated September 2, 2017 which will show the garage elevation details;
- h) The Applicant will install smoke detectors in the garage and connect them via hard wire to a central alarm system, if possible.
- i) The Applicant will allow the Township Fire Marshall to inspect the property and agrees to

comply with any recommendations that are necessary to comply with the existing fire code.

WHEREAS, members of the public were invited to ask questions of the Applicant after testimony was given, and all questions offered by members of the public were answered to the satisfaction of the Zoning Board of Adjustment;

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' garage. 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 19th day of June 2018 that based upon the findings of fact and documents submitted for review as previously set forth, the application of Alexis C. Fan is hereby granted to allow applicants to construct an addition and interior alterations to the garage in conformity with the plans submitted to this Board as amended at the hearing and in compliance with the requirements outlined in the May 14, 2018 report of the Township of Washington Engineer, Paul Azzolina, P.E., C.M.E., Azzolina & Fuery Engineering Inc.;

BE IT FURTHER RESOLVED that the Applicant shall comply with all of the stipulations made during the hearing on this Application as set forth herein and on the record before the Board.

BE IT FURTHER RESOLVED the Applicant's failure to comply with conditions set forth in

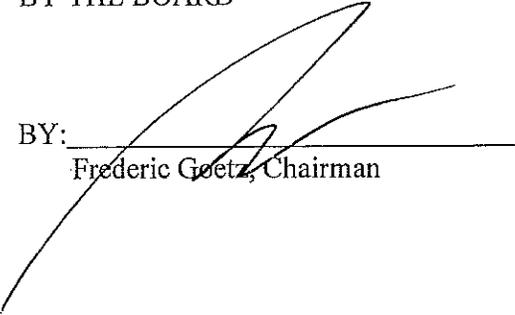
this Resolution shall constitute a failure of the conditions and may be the cause for the revocation of either a building permit and/or Certificate of Occupancy of the premises, subject to reasonable notice and the opportunity to cure.

BE IT FURTHER RESOLVED that pursuant to the Code of the Township of Washington, the variances 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.

BY THE BOARD

Dated: June 19, 2018

BY: 
Frederic Goetz, 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, June 19, 2018.

V. A. 2. No
, Secretary

	Ayes	Nays	Abstain	Absent
Forsay	<u> </u>	<u> </u>	<u> </u>	<u> ✓ </u>
Grimaldi	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>
Hanna	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>
LaGratta	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>
Ozment	<u> </u>	<u> </u>	<u> </u>	<u> ✓ </u>
Plantamura	<u> </u>	<u> </u>	<u> </u>	<u> ✓ </u>
Werfel	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>
Toro	<u> </u>	<u> </u>	<u> </u>	<u> ✓ </u>
Goetz	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>
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