

RESOLUTION

TOWNSHIP OF WASHINGTON

ZONING BOARD OF ADJUSTMENT

Introduced by:

Furray, Grimaldi, Hanna, LaGratta, Ozment, Plantamura, Werfel, Toro (Acting Chairman) *GFOTZ*

Seconded by:

Furray, Grimaldi, Hanna, LaGratta, Ozment, Plantamura, Werfel, Toro (Acting Chairman) *GFOTZ*

WHEREAS, JANELLE MAHONEY (the "Applicant") has applied to the Zoning Board of Adjustment of the Township of Washington for variances from the zoning code to allow construction of a two (2) story addition of a master bedroom over the existing garage which will also be expanded, on an existing residential dwelling set on an angle on an irregular lot, which requires front yard setback and side yard setback requirements. The Applicant seeks approval for a front yard setback of 48.00 feet, and where a minimum of 50 feet is required. The Applicant also seeks approval for a side yard setback of 10.00 feet where a minimum of 15.00 feet is required. There is also an encroachment of an existing shed into the 15 feet side yard requirement for the property known as 235 West Place and designated as Lot 69, Block 2403 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, Janelle Mahoney, applicant's Architect, Brian J. Callahan, AIA and evidence presented by applicants and Board discussion and comments during the general public hearing held on February 13, 2018, as well as the January 6, 2017 and February 13, 2018 reports of Michael L. Ritchie, P.L.S. and Paul Azzolina, PE, CME 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 applicant, Janelle Mahoney, dated December 21, 2017 and consisting of eleven (11) sheets;
- b. The reports of the Township Engineer, Azzolina & Feury Engineering, Inc. dated January 6, 2017 and consisting of one (1) double sided sheet and February 13, 2018, consisting of three (3) sheets;
- c. A proposed Site Plan, Floor Plan and Elevations, dated December 15, 2017 and prepared by Callahan Architecture, LLC (Brian J. Callahan, AIA), consisting of four (4) sheets;

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 the "Class AA" residential zone and the Applicant's proposed used of the property is permitted in the AA Zone;
2. At the public hearing held on February 13, 2018, the Applicant's Architect, Brian J. Callahan, AIA, was sworn in and accepted by the Board as an Expert. Mr. Callahan testified that the Applicant seeks to construct a new two (2) story addition over the existing garage along the southerly limits of the existing residential dwelling that is set at angle on an irregular lot. The Applicant seeks approval for a front yard setback of 48.00 feet, where a minimum of 50 feet is required. The Applicant also seeks approval for a side yard setback of 10.00 feet where a minimum of 15.00 feet is required. There is also an encroachment of an existing shed into the 15 feet side yard requirement for the property. Mr. Callahan further testified that the Applicant has a hardship due to the angle that the house is set

which causes it to be closer to the property line. He also testified that the rear of the proposed garage is 10.00 feet from the property line, however, the front of the garage is 16.9 feet from the property line, which complies, due to the angle of the dwelling. He testified that Application complies with all other building requirements.

3. The Applicant, Janell Mahoney, was also sworn in and testified that she and her husband are the owners of the property. She testified that is unable to purchase any property next to her property in order to avoid requesting a variance. She further testified that the shed at the rear of the property was a pre-existing non-conforming shed present when she purchased the property. However, she agreed to remove or re-locate the shed to a location that conforms with the Borough's Setback Ordinance. She further testified that no one has objected to the proposed plans nor was anyone in attendance at the hearing to object to the application;

4. Pursuant to N.J.S.A. 40:55D-70c (1), the applicant seeks a variance for hardship from Section 245-30 front yard setback where a minimum of 50 feet is required, and from Section 245-32 side yard setback where a minimum of 15 feet is required for the addition and for the existing shed which encroaches into the 15 feet side yard setback;

5. 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 front yard and side yard setbacks for the addition are justified under C1 of the statute, in light of the fact that they are generated by the location of the existing dwelling on an angle, on an irregular lot. However, the Board does not approve of the variance request for the shed which must be removed or re-located to a conforming location at the rear of the property;

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' 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 20th day of February 2018 that based upon the findings of fact and documents submitted for review as previously set forth, the application of Janelle Mahoney is hereby granted to allow applicants to construct a two (2) story addition of a master bedroom over the existing garage, which will also be expanded, on the southerly side of the existing residential dwelling in conformity with the plans submitted to this Board and in compliance with the requirements outlined in the January 6, 2017, and February 13, 2018 reports of the Township of Washington Engineer, 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: March 20, 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, March 20, 2018.



Vince Corrado, Secretary

	Ayes	Nays	Abstain	Absent
Forray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grimaldi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>A-T</i> LaGratta	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ozment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>A-T</i> Plantamura	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Werfel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Toro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goetz	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>