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RESOLUTION

TOWNSHIP OF WASHINGTON

ZONING BOARD OF ADJUSTMENT

Introduced by:

Burke Cumming DeSena Grimaldi LaGratta Mouravieff Ozment Toro Goetz

Seconded by:

Burke Cumming DeSena Grimaldi LaGratta Mouravieff Ozment Toro Goetz

WHEREAS, DEREK and RACHEL JOHNSON (the "Applicants") have applied to the Zoning Board of Adjustment of the Township of Washington for variances from the zoning code to allow construction of an addition over the existing garage on the north side of the existing residential dwelling on a corner property, which requires two front yard set back requirements, wherein the front yard setbacks of 50 feet would be to Clinton Ave. and 21.25 feet would be to Concord Lane, and where a 50 feet set back is required for the two "front yards" and, where there is an encroachment of the existing shed into the 15 feet side yard requirement for the property known as 705 Clinton Ave. and designated as Lot 1, Block 3106.01 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, Derek Johnson and evidence presented by applicants and Board discussion and comments during the general public hearing held on October 26, 2017, as well as the June 12, 2017, September 6, 2017 and September 25, 2017 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 applicant, Derek and Rachel Johnson, dated September 1, 2017;
- b. The reports of the Township Engineer, Azzolina & Fuery Engineering, Inc. dated June 12, 2017, September 6, 2017 and September 25, 2017;
- c. A set of architectural drawings by applicants, consisting of one (1) sheet, entitled "Addition and Alterations to Johnson Residence 705 Clinton Ave. Township of Washington, NJ," dated May 17, 2017 and revised on August 1, 2017 and September 14, 2017;
- d. Survey by John J. Galiano, of Galiano, Harris & Associates LLC, Professional Land Surveyors, dated June 6, 2013;

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 an "AA" residential zone;
2. The Applicants seek to construct an addition over the existing garage on the north side of the existing residential dwelling on a corner property, which requires two front yard set back requirements, wherein the front yard setbacks of 50 feet would be to Clinton Ave. and 21.25 feet would be to Concord Lane, and where a 50 feet set back is required for each of the two front yards, and wherein there is an encroachment of the existing shed into the 15 feet side yard requirement for the property;
3. Wherein the house was purchased by applicants 4 years ago, and a re-certification of occupancy was issued by the Township of Washington pursuant to the sale, and at the time of the applicants' purchase and Township inspection, there existed the custom built shed in its original location encroaching into the 15 feet side yard setback, which was overlooked during the Township's inspection. Further, the

addition cannot be constructed in any other way without causing the it to block access to the existing garage or to remove the garage in order to be within the 50 feet setback;

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 50 feet is required for the front yard set back, and 50 feet to Clinton Ave. and 21.25 feet to Concord Lane is proposed, and from Section 245-32 where a custom built shed encroaches into the 15 feet side yard setback;

5. At the public hearing conducted on October 26, 2017, Derek Johnson testified that the property has two "front yards" with it being a corner lot and that the addition cannot be constructed in any other way without causing it to block access to the existing garage or it would require the removal of the garage, 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. He further testified that he purchased the house 4 years ago, and there was a pre-existing non-conforming shed encroaching into the 15 feet side yard setback, and that said encroachment had been overlooked when the building department did the inspection to issue the re-certification of occupancy pursuant to his purchase of the property. Applicant further testified that he has spoken to all his neighbors, and no one has objected to the proposed plans nor was anyone in attendance at the hearing to object to the application;

6. The application complies in all other respects as to rear yard setbacks;

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the requested variances are justified under C1 of the statute, in light of the fact that they are generated by the location of the existing dwelling on a lot, for which the addition cannot be constructed in any other way without blocking the garage or removing the existing garage; wherein the house sits on a corner lot requiring two front yard setbacks; and as such causing a practical difficulty and unnecessary hardship for the applicants to comply with the front yard setback with the proposed construction; and wherein the custom built shed had pre-existed the applicants' ownership and they were granted a re-certification of occupancy upon their purchase of the property, and wherein removal and or relocation of the shed would cause a practical difficulty and unnecessary hardship for applicants to comply with the side 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 21st day of November, 2017 that based upon the

findings of fact and documents submitted for review as previously set forth, the application of Derek and Rachel Johnson is hereby granted to allow applicants to construct a an addition over the existing garage on the north side of the existing residential dwelling in conformity with the plans submitted to this Board and in compliance with the requirements outlined in the June 12, 2017, September 6, 2017 and September 25, 2017 reports of the Township of Washington Engineer, Azzolina & Fuery Engineering Inc.;

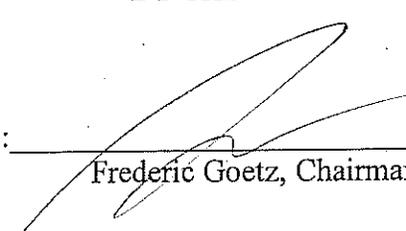
BE IT FURTHER RESOLVED that pursuant to the Code of the Township of Washington, the variances granted will expire within one year from the date of this Resolution if construction is not commenced, however, this Board reserves the right to grant extensions of time from this Resolution if circumstances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

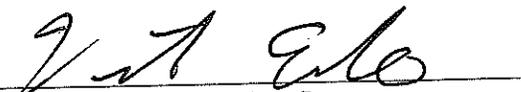
BY THE BOARD

Dated: November 21, 2017

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, November 21, 2017.


Vince Corrado, Secretary

	Ayes	Nays	Abstain	Absent
Burke	<u>✓</u>	_____	_____	_____
Cumming	<u>✓</u>	_____	_____	_____
DeSena	<u>✓</u>	_____	_____	_____
Grimaldi	<u>✓</u>	_____	_____	_____
LaGratta	_____	_____	_____	<u>✓</u>
Mouravieff	<u>✓</u>	_____	_____	_____
Ozment	<u>✓</u>	_____	_____	<u>✓</u>
Toro	_____	_____	_____	_____
Goetz	<u>✓</u>	_____	_____	_____