

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, MICHAEL GONZALVES AND CHRISTIE GONZALVES (the "Applicant") 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 to the rear of the dwelling, an addition to the rear of dwelling adjacent to the existing garage, an addition to the existing garage and construction of a covered porch entry as well as alterations to the first floor level of an existing cape-cod style single family residential dwelling located on a corner lot. The Application requires variances for front yard setback, side yard setback, building coverage and garage floor area. The Applicant seeks approval for a front yard setback of 11.2 feet at Lincoln Avenue, where a minimum of 20 feet is required. The Applicant also seeks approval for a side yard setback of 9.6 feet where a minimum of 10.00 feet is required. The side yard setback is a pre-existing non-conformity that is not changing. The Applicant also seeks approval for a building coverage of 22.1% where a maximum building coverage of 20.0% is permitted. The Applicant also seeks a garage floor area of 360 square feet (2 car) where 500 square feet (2 car) is required. The property is known as 358 Calvin Street and designated as Lot 58, Block 4418 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, Brian Giblin, Esq., testimony of applicant, Christie Gonzalves, and evidence presented by the applicants and their Attorney and Board discussion and comments during the general public hearing held on March 20, 2018, as well as the February 1, 2018 report of Paul Azzolina, PE, CME of Azzolina & Feury, 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 applicants, Christie Gonzalves and Michael Gonzalves, dated March 5, 2018 and consisting of twelve (12) sheets;
- b. The report of the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated February 1, 2018 and consisting of four (4) sheets marked as Exhibit A-2;
- c. A proposed Floor Plan and Elevations, prepared by Denise D'Ambrosi Bonoli, Registered Architect, consisting of two (2) sheets;
- d. A Survey Map prepared by Azzolina and Feury Engineering, Inc. dated September 23, 2008 and consisting of one (1) sheet marked as Exhibit A-3;
- e. Color photographs of the property from different angles submitted at the hearing and consisting of one (1) sheet marked as 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 designated as Lot 58, Block 4418 is presently being used as a residential dwelling and is located in the "Class B" residential zone. The Applicant's proposed used of the property is permitted in the B Zone;
2. At the public hearing held on March 20, 2018, the Applicants' Attorney, Brian Giblin,

Esq. advised the Board that the Applicant intends to construct a 16.0 foot x 14.0 foot addition at the rear of the dwelling for additional living room space and a 14.0 foot x 12.0 foot addition at the rear of the dwelling adjacent to the existing garage for a mudroom, laundry room and half bath. He further advised the Board that the Applicant will also construct a 6.0 foot x 20.0 foot addition to the existing garage resulting in a two (2) car capacity. He also advised the Board that a 7.0 foot x 3.0 foot covered porch will be added the front entry of the dwelling as well as some interior renovations creating a master bath and master closet space. Mr. Giblin advised the Board that the property is located on a corner lot and the Applicant seeks approval for a front yard setback on Lincoln Avenue of 11.2 feet at the garage addition, where a minimum of 20 feet is required. The Applicant also seeks approval for a side yard setback of 9.6 feet where a minimum of 10.00 feet is required. This is a pre-existing non-conformity that is not changing. The Applicant also seeks approval for a maximum building coverage of 22.1% where a maximum of 20.0% is permitted. The Applicant also seeks approval for a garage floor area of 360 square feet where a minimum garage floor area of 500 square feet is required. Mr. Giblin also advised the Board that the rear addition will be on an existing concrete patio and concrete walkway thereby creating a de minimis increase in the impervious surface coverage as noted in Mr. Azzolina's report.

3. The Applicant, Christie Gonzalves, was sworn in and testified that she and her husband are the owners of the property. She testified that she would like to add a covered porch for the existing stairs for protection from rain and for aesthetic purposes. She also testified that the house is a small cape cod and she could not expand into the front yard so she is expanding into the rear and side yard for more living space and to add a mudroom, laundry room and half bath. She further testified that she currently cannot enter her garage from inside the house and after the proposed renovations are completed she will be able to do so. She testified that the addition to the garage was for her husband's tools. She testified that the garage and tools are only for their personal use and not business use and that due to a corner property hardship she seeks variance approval.

4. Pursuant to N.J.S.A. 40:55D-70c (1), the applicant seeks a variance for hardship for a front yard setback on Lincoln Avenue of 11.2 feet at the garage addition, where a minimum of 20 feet is required. The Applicant also seeks variance approval for a side yard setback of 9.6 feet where a minimum of 10.00 feet is required. This is a pre-existing non-conformity that is not changing. The Applicant also seeks variance approval for a maximum building coverage of 22.1% where a maximum of 20.0% is permitted. The Applicant also seeks approval for a garage floor area of 360 square feet where a minimum garage floor area of 500 square feet is required.

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 setback, side yard setback, building coverage and garage floor area 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 a corner lot. However, the Board Approves the Application under the following conditions:

- a) The addition to the garage will be reduced from 6.0 feet to 2.5 feet;
- b) The side yard setback on the Lincoln avenue side shall be increased from 11.2 feet to 14.7 feet;
- c) The maximum building coverage will be reduced from 22.1% to 20.6%
- d) The garage will remain a 1 car garage;

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 17th day of April 2018 that based upon the findings of fact and documents submitted for review as previously set forth, the application of Christie Gonzalves and Micheal Gonzalves is hereby granted to allow applicants to construct an addition and interior alterations to the rear of the dwelling, rear of dwelling adjacent to garage and to expand the existing garage of the existing residential dwelling in conformity with the plans submitted to this Board as amended at the hearing and in compliance with the requirements outlined in the February 1, 2018 reports 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: April 17, 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, April 17, 2018.



, Secretary

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

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