

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, SHAHANA RIZVI and ALI RIZVI (the "Applicant") have applied to the Zoning Board of Adjustment of the Township of Washington for variances from the zoning code to allow the Applicant to convert an existing non-habitable two (2) car garage into a one (1) car garage and create a new habitable space consisting of a bedroom, walk-in closet, bathroom and laundry. The subject property is an interior lot located on the west side of Andrea Lane approximately 245 feet south of the intersection with East Glen Avenue. The current dwelling is developed as a single-family residence. The subject property is located within the Class AA Zoning District. The Application requires variances for garage capacity and minimum garage floor area. The Applicant seeks approval for garage capacity of one (1) car where a minimum garage capacity of two (2) cars is required. The Applicant also seeks approval for a garage floor area of 213.00 square feet where a minimum of 500.00 square feet is required. The property is known as 90 Andrea Lane and designated as Lot 3, Block 2503.01 on the Tax and Assessment Map of the Township of Washington; and

WHEREAS, the Township of Washington Zoning Board of Adjustment carefully considered the testimony of Applicant, Shahana Rizvi, and evidence presented by the Applicant and Board discussion and comments during the general public hearing held on August 14, 2018 and the June 28, 2018 report 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, Shahana Rizvi and Ali Rizvi, dated July 19, 2018 and consisting of thirty-three (33) sheets;
- b. The report of the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated June 28, 2018 and consisting of three (3) sheets;
- c. A Preliminary Architectural Drawing entitled "Proposed Ground Floor Plan Alterations at Rizvi Residence, 90 Andrea Lane, Washington Township, New Jersey", prepared by Ali Qureshi, Architect of North Caldwell, (emailed 5/24/18), but lacking appropriate title block information, including, but not limited to, date of preparation, signature and embossed seal of Ali Qureshi and consisting of one (1) sheet;
- d. A Boundary Survey prepared by Michael L. Ritchie, LS (Azzolina & Feury, Engineering, Inc.), dated October 18, 2013, 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 3, Block 2503.01 is presently being used as a residential single-family dwelling and is located in the "AA Zoning District. The Applicant's proposed used of the property is permitted in the AA Zone;
2. At the public hearing held on August 14, 2018, the Applicant, Shahana Rizvi, was sworn in. Ms. Rizvi testified that she and her husband own the property which is currently a four (4) bedroom single family dwelling with a two (2) car garage. Ms. Rizvi testified that the Applicant intends to convert an existing non-habitable two (2) car garage into a one (1) car garage and create a new habitable space consisting of a bedroom, walk-in closet, bathroom and laundry. She further testified that the reason for this request is that her elderly mother suffers from medical conditions that prohibit her from

climbing up the set of stairs required to reach her second-floor bedroom. Ms. Rizvi testified that her mother would use the newly created habitable space in the garage. Ms. Rizvi testified that she has three (3) children living there along with herself, her husband and mother and she has tried to locate another property in the area that can accommodate her needs but she cannot afford same.

3. Ms. Rizvi's architect was not present at the hearing and the Board could not ask any questions of him with regard to the proposed plans. Ms. Rizvi is not a licensed architect and cannot testify as a professional expert as to her application. In addition, the Board had numerous questions and suggestions about other options the Applicant could explore to renovate her home and accommodate her mother without reducing the size of the garage and without converting it to habitable space. However, these questions could not be addressed since the Architect was not present. The Board advised the Applicant, as per Mr. Azzolina's letter, that the proposed conversion of the existing garage space from a non-habitable space to a habitable (i.e. living area) is violative of Code Section 245-77.B with respect to the number of vehicles that may be stored within the modified garage. The Board also advised the Applicant, as per Mr. Azzolina's letter, that the proposed floor space of the modified garage is violative of Code Section 245-77.B with regard to the minimum floor area required and the Applicant's proposed plans required two (2) variances. The Board advised the Applicant that it would have been beneficial to her and the Board if her Architect was present at the hearing.

4. In addition, the Board advised the Applicant that she would also need to provide the Board with a legal basis that the Board can rely upon to approve the Application. However, the Applicant did not retain an Attorney so no legal basis was provided and no Attorney was present at the hearing on behalf of the Applicant. The Board also advised the Applicant that neither the Board nor the Board Attorney could give her any legal advice and that it would be beneficial to her if she hired an Attorney to explain the legal process to her as well as provide her with a legal basis, if any, for her application. The Board advised the Applicant that rather than vote on the Application the Board would be willing to carry the Application to the September hearing, without further notice, so the Applicant

could speak to her Architect and retain an Attorney and come back to the next hearing with both her Architect and an Attorney. The Applicant agreed to this proposal and the Application was carried to the September hearing.

5. Prior to the September 18, 2018 hearing the Applicant advised the Board Secretary the Applicant was withdrawing her application and would not be present at the meeting.

6. 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;

7. WHEREAS all findings of fact set forth above are made part of hereof as if set forth herein at length;

8. WHEREAS the proceedings in this matter were voice recorded. The foregoing facts in this Resolution are not intended to be all inclusive, but merely a summary and highlight of the complete record made before the Board;

NOW THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Washington on this 16th day of October that the application of SHAHANA RIZVI and ALI RIZVI, as submitted by the Applicant and as amended through the course of the hearing, is **WITHDRAWN WITHOUT PREJUDICE** pursuant to the Applicant's request;

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: October 16, 2018

BY: 

Frederic Goetz, Chairman
SAID TORO, VICE 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 16, 2018.



, Secretary

	Ayes	Nays	Abstain	Absent
Forray	_____	_____	_____	_____ ✓
Grimaldi	_____ ✓	_____	_____	_____
Hanna	_____ ✓	_____	_____	_____
LaGratta	_____ ✓	_____	_____	_____
Ozment _	_____	_____	_____	_____ ✓
Plantamura	_____	_____	_____	_____ ✓
Werfel	_____ ✓	_____	_____	_____
Toro	_____ ✓	_____	_____	_____
Goetz	_____	_____	_____	_____ ✓