

RESOLUTION
TOWNSHIP OF WASHINGTON
ZONING BOARD OF ADJUSTMENT

Introduced by:

Asfar Cumming DeSena Grimaldi Goetz Miras, Ozment Toro

Seconded by:

Asfar Cumming DeSena Grimaldi Goetz Miras, Ozment Toro

WHEREAS, CHRISTOPHER and SVETLIANA SCHILLER (the "Applicants") have applied to the Zoning Board of Adjustment of the Township of Washington for a variance from the zoning code to allow construction of an addition to their existing split level residential dwelling where the minimum side yard set back is 15 feet, and a north side yard setback of 11.75 feet is proposed for the property known as 2519 Cleveland Ave. and designated as Lot 22, Block 3306 on the Tax and Assessment Map of the Township of Washington; and

WHEREAS, the Township of Washington Zoning Board of Adjustment after considering the testimony of applicants, Christopher and Svetiana Schiller and evidence presented by applicants, and Board discussion and comments during the general public hearing held on May 16, 2017, as well as, the April 25, 2017 report 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 applicants, Christopher and Svetiana Schiller dated May 1, 2017;
- b. The report of the Board's Engineer, Azzolina & Fuery Engineering, Inc. dated April 25, 2017;
- c. A photo of a neighboring house located at 2529 Cleveland Ave. marked Exhibit A-1;
- d. A set of architectural drawings by Xiomara C. Paredes, AIA, Paredes-Grube Architecture, 240 Rock Rd. Suite 101, Glen Rock, NJ 07452, consisting of four (4) sheets, entitled "Addition & Renovation for The Schiller Residence 2519 Cleveland Ave Twp of Washington, NJ 07676" dated April 17, 2017;

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 a "A" residential zone;
2. The Applicants seek to construct an addition to an existing split level residential dwelling where the minimum side yard set back is 15 feet, and a north side yard setback of 11.75 feet is proposed;
3. Pursuant to N.J.S.A. 40:55D-70c (1), the applicants seek a variance for hardship from Section 245-16 side yard setback where 15 feet is required for the side yard set back, and 11.25 feet for the north side yard set back is proposed;
4. At the public hearing conducted on May 16, 2017, the applicants testified that property is an irregular shape lot; that the existing structure is not centered on the lot with the house being oriented to the north side of the property and there being no other way to construct the addition; that the property is narrower in the rear and wider in the front, thereby causing applicants' dwelling to sit differently on the existing lot; that the north side yard setback variance is the only relief needed by applicant for the addition; and that the proposed construction is not out of character in the neighborhood, and would improve the aesthetics of the property and not impact neighboring properties;

5. The application complies in all other respects as to south side yard and rear yard setbacks;

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the requested variance is justified under C1 of the statute, in light of the fact that it is generated by irregular shape of the lot and the location of the existing dwelling on a lot not being centered and oriented to the north side of the property, and as such causes a practical difficulty and unnecessary hardship for the applicants to comply with north side yard setback with the proposed addition;

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 in particular viewing the Exhibit A-1 photo of the neighboring property, and would otherwise 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 June, 2017 that based upon the findings of fact and documents submitted for review as previously set forth, the application of Christopher and Svetiana Schiller is hereby granted to allow applicants to construct an addition to their existing split level residential dwelling in conformity with

the plans submitted to this Board and in full compliance with all the requirements specifically outlined in the April 25, 2017 report of the Board's Engineer, Azzolina & Fuery Engineering Inc.;

BE IT FURTHER RESOLVED that pursuant to the Code of the Township of Washington, the variance 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 20, 2017

BY: 
Fredric 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 20, 2017.


Vince Corrado, Secretary

	Ayes	Nays	Abstain	Absent
Asfar	<u>✓</u>	_____	_____	_____
Cumming	<u>✓</u>	_____	_____	_____
DeSena	_____	_____	_____	<u>✓</u>
Grimaldi	<u>✓</u>	_____	_____	_____
Goetz	<u>✓</u>	_____	_____	_____
Miras	<u>✓</u>	_____	_____	_____
Ozment	<u>✓</u>	_____	_____	_____
Toro	_____	_____	_____	<u>✓</u>