

RESOLUTION

TOWNSHIP OF WASHINGTON

ZONING BOARD OF ADJUSTMENT

Introduced by:

Asfar Cumming Mouravieff O'Connell Rappa Scudieri Smith Miras

Seconded by:

Asfar Cumming Mouravieff O'Connell Rappa Scudieri Smith Miras

WHEREAS, ELISABETH AND AXEL WALTER (the "Applicants") have

applied to the Zoning Board of Adjustment of the Township of Washington pursuant to

N.J.S.A. 40:55D-70c (2) for variances to permit the construction a second level over the

entire existing dwelling, to construct a one-car garage and one-story addition to the

northerly side of the dwelling, to construct a covered porch across a portion of the

frontage of the existing dwelling, and to construct a new driveway to the northerly side of

the dwelling for access to the proposed garage, where the proposed additions require

variances for lot coverage maximum in accordance with Section 245-85 of the Code, for

building height in accordance with Section 245-21 of the Code, and for garage square

footage in accordance with Section 245-77.1D of the Code, and where the side yard

setback is an existing nonconformity, therefore no variance is required and no variance

needed for the shed which is being entirely removed at 307 Colonial Blvd., designated as

Block 4407, Lot 3 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, Elisabeth Walter and expert architect, Edward t. Chudzinski, Jr. AIA, Architect-Planner, and the evidence presented by Applicants, as well as, comments and discussion during the general public hearing held on November 17, 2015, and the October 5, 2015 report of Michael L. Ritchie, P.L.S. of Azzolina & Fuery, Inc., 30 Madison Ave. Paramus, NJ;

WHEREAS, the Township of Washington Zoning Board of Adjustment has

reviewed the following:

- a. Township of Washington Application for Variance, signed by Applicant, Elisabeth Walter on October 29, 2015;
- b. The report of the Township Engineer, Azzolina & Fuery Engineering, Inc. dated October 5, 2015;
- c. Architectural drawings by Edward t. Chudzinski, Jr. AIA, Architect-Planner 350 Market St. Saddle Brook, NJ 07663, consisting of four (4) sheets, entitled "Proposed Addition for Mr. & Mrs. Walter, 307 Colonial Blvd. Washington Township, NJ," dated 09/09/15 and being marked Exhibit A-1 for identification at the hearing;
- d. A topographic Survey by GB Engineering, LLC 144 Jewel Street Garfield, NJ 07026, dated October 27, 2015 and being marked Exhibit A-2 for identification at the hearing;

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 "B" residential zone;

- 2. The Applicants seeks to construct a second level over the entire existing

dwelling, to construct a one-car garage and one-story addition to the northerly side of the dwelling, to construct a covered porch across a portion of the frontage of the existing

dwelling, and to construct a new driveway to the northerly side of the dwelling for access to the proposed garage, wherein the Zoning Officer determined that variances are

required in accordance with Township of Washington Zoning Code Chapter 245-85 lot coverage, Chapter 245-21 building height, Chapter 245-77.1D garage square footage, Chapter 245-25 shed setback, and no variance for Chapter 245-5 side yard setback as it is an existing non-conformity;

3. Pursuant to N.J.S.A. 40:55D-70c (2), the Applicants seek variances from the required maximum building lot coverage of 20% where 23.6% is proposed, for the imperVIOUS lot coverage where 30% is permitted and 39.3% is proposed, where the permitted maximum height is 25 feet and 28 feet is proposed, and where the proposed garage is 325 square feet and the minimum required is 500 square feet; and no variance being needed for the side yard setback where 10 feet is required and the existing non-conformity is 9.6 feet;

4. At the public hearing conducted on November 17, 2015, Elisabeth Walter and architect, Edward T. Chudzinski, Jr. testified that the variances are for very minimal and modest deviations, where the purpose and intent of zoning regulation is effectively preserved and any detriment is clearly outweighed by the architectural benefits, and that the proposed additions would be more aesthetically pleasing and balanced with other homes in the neighborhood. Moreover, the garage will allow for a vehicle to be parked inside a covered structure, therefore less visible to passers by, and that the existing shed will be removed in its entirety from the property including the pavers around the shed, and that the additions will enhance the property and are in conformity with houses in the neighborhood;

5. The application complies in all other respects as to front and rear yard

setbacks;

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has

determined that the requested variance for lot coverage both for building and imperious

coverage and for building height and for the garage square footage are justified under C2

of the statute, in light of the fact that the deviations are very minimal at best, that the

additions are conducive to the neighborhood, will contribute positively in terms of

keeping a parked vehicle out of sight, and improve value and desirability, will not appear

out of scale and character with other properties in the area, will have a positive aesthetic

effect for the surrounding neighborhood, and would advance the purposes of land use

law;

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 Ordinances of

the Township of Washington. 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;

· NOW THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of

the Township of Washington on this 15th day of December, 2015, that based upon the

findings of fact and documents submitted for review as previously set forth, the

application of Elisabeth and Axel Walter is hereby granted to allow Applicants' addition

to their property in conformity with the plans submitted to this Board and conditioned

upon compliance with the requirements outlined in the October 5, 2015 report of

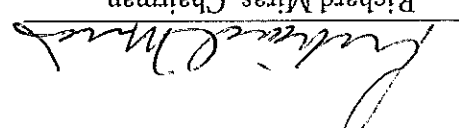
Township of Washington Engineer, Azzolina & Fuary Engineering Inc. and removal of the existing shed and pavers surrounding the shed as testified to at the hearing, and that non-conforming side yard setback having pre-existed is therefore deemed granted;

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;

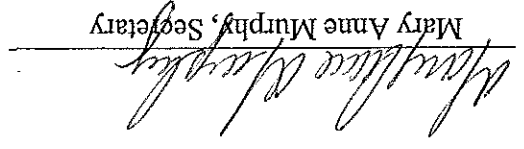
BE IT FURTHER RESOLVED, that the Secretary of the Zoning Board of

Adjustment of the Township of Washington is hereby directed to mail a copy of this Resolution to the Applicants; 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.

Dated: December 15, 2015

BY THE BOARD  
BY:   
Richard Miras, 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, December 15, 2015.

  
Mary Anne Murphy, Secretary

Ayes	Nays	Abstain	Absent
Asfar	-	-	✓
Cumming	-	-	✓
Mourviereff	✓	-	-
O'Connell	-	-	A
Rappa	✓	-	-
Scuderi	✓	-	-
Smith	✓	-	-
Miras	✓	-	-