

**TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT**

RESOLUTION ZB-21-08

WHEREAS, DEANNA SALCEDO (the “Applicant”) has applied to the Zoning Board of Adjustment of the Township of Washington for variance relief from the zoning code to grant the Applicant several variances with regard to the Applicant’s proposed additions as well as interior and exterior renovations of an existing one (1) story single family residential dwelling. The proposed renovations include a new open covered porch, a new second floor, an expansion of the existing first floor footprint, a new garage and new driveway. The property is known as 367 Calvin Street and designated as Lot 4, Block 4316 on the Tax and Assessment Map of the Township of Washington. The subject property is classified as an “interior lot” and is situated in the “Class B” Zoning District and is located at the east side of Calvin Street approximately 75.00 feet north of the intersection with Lincoln Avenue. The property is rectangular shaped and exhibits a frontage of 75.00 feet wide and a depth of 100.00 feet with a total area of 7,500.00 square feet and is a conforming lot size. The Applicant seeks variance approval for maximum building coverage of 22.32% where the maximum permitted is 20.00%. The Applicant seeks variance approval for a minimum side yard setback of 8.2 feet where a minimum of 10.00 feet is required. The Applicant seeks variance approval for a maximum building height of 32.18 feet where a maximum height of 25.00 feet is permitted. The Applicant also seeks variance approval for a garage floor area of 36.00 square feet where a minimum of 500.00 square feet is required. The Application is found to conform with all other applicable zoning criteria for the “Class B” Zone.; and

WHEREAS, the Township of Washington Zoning Board of Adjustment has carefully considered the testimony of the Applicant, Deanna Salcedo, and evidence presented by the

Applicant and their professionals and Board discussion and comments during the general public hearing held on May 18, 2021 via electronic means and in compliance with the Open Public Meetings Act, prior to which time the Applicant presented proof of notice and publication as required by law, and;

WHEREAS, the Township of Washington Zoning Board of Adjustment has reviewed the following:

- a. Township of Washington Application for Variance by applicant, Deanna Salcedo, including an Affidavit of Service and Proof of Publication, dated April 13, 2021 and consisting of twenty-four (24) sheets;
- b. The report of the Board Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated May 3, 2021 and consisting of seven (7) sheets;
- c. Survey prepared by PAX Surveying and Environmental Consultants, LLC (William T. Manning, PLS, dated May 10, 2021 and consisting of one (1) sheet;
- d. Site Plan, Floor plans and Exterior Elevations prepared by Gidich & Sepulveda Architecture, Zachary Gidich, AIA, dated May 12, 2021 and consisting of seven (7) sheets and marked into evidenced 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 4 Block 4316 currently has an existing one (1) story single family residential dwelling and is located in the “Class B” residential zone and is classified as an “Interior Lot”. The Applicant’s proposed use of the property is a permitted use in the “Class B” Zone;

2. At the public hearing held on May 18, 2021 Zachary Gidich, AIA, the Applicant's Architect, was sworn in and accepted by the Board as an expert witness. He testified that the Applicant currently owns a one (1) story residential dwelling with no garage. He testified that the Applicant is seeking approval to add a second floor and expand the first floor at the rear of the property. The Applicant will also relocate the existing driveway from the left-hand side to the right-hand side and will add a new garage on the right-hand side of the property. The Applicant will add a new open covered porch at the front of the property and an expanded driveway area. There will be a new depressed curb opening.

3. Mr. Gidich testified that the Applicant is seeking approval of the following variances:

- a) Maximum Building Coverage: The Applicant seeks variance approval for maximum building coverage of 22.32% where the maximum permitted is 20.00%.
- b) Minimum Side Yard Setback: The Applicant seeks variance approval for a minimum side yard setback of 8.2 feet where a minimum of 10.00 feet is required.
- c) Maximum Building Height: The Applicant seeks variance approval for a maximum building height of 32.18 feet where a maximum height of 25.00 feet is permitted.
- d) Minimum Garage Floor Area: The Applicant seeks variance approval for a garage area of 366.00 square feet where a minimum of 500.00 square feet is required.

He testified that the Applicant is not removing more than 50% of the existing walls and the only walls being removed are in the area where the addition is being constructed at the rear of the house and in the front where the entrance is being added. He testified that the entrance is being pulled one (1) foot forward to accommodate a small porch. He testified that the addition of the garage and covered porch is major reason why the variance is needed for the building coverage.

The shed has been removed as confirmed by the Board Engineer. Mr. Gidich testified that there is currently is no garage so the addition would make the dwelling conforming in that regard and the porch adds aesthetic character to the property and neighborhood which are both positive results of the renovations. He testified that the proposed garage is 366 square feet and infringes on the side yard setback requiring a setback of 8.2 feet. The Applicant is trying to alleviate a tandem parking situation. He testified that the height variance is needed due to the hardship resulting from the slope of the property which slopes from the front to the rear and to account for the proper slope needed for the roof. The ceiling height on the first floor is eight (8) feet.

4. Adam Dayson, the Applicant's husband was sworn in and testified that he and his wife are relocating and the house is under contract to be sold and will close upon completion of the renovations. He testified that he believed the slope of the property to be a hardship and that the proposed dwelling will not be out of line with other homes on this street. During the public portion of the meeting there was concern about potential flooding of neighboring properties. Mr. Azzolina advised that if the Application was approved, he will require a storm water management system which will direct the water into a seepage pit. The Board expressed its concern over the proposed height and the side yard setback.

5. Deanna Salcedo, the Applicant, was sworn in and testified that the Applicant would be willing to reduce the height to 28.0 feet and the size of the garage to 355 square feet and will revise the side yard setback to 10.0 feet which eliminates the need for a variance. The smaller garage will reduce the building coverage to 21.65%.

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the Applicant has satisfied the criteria for granting a C variance and has accepted the testimony of the Applicant and their experts that the requested variances as revised at the hearing would

be needed to construct the proposed renovations and would be a benefit to the adjacent properties and community.

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 and purpose of the Zoning Ordinance of the Township of Washington, the enforcement of which would result in practical difficulty and unnecessary hardship in the use of applicants' property. 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 15th day of June, 2021 that based upon the findings of fact, testimony presented and documents submitted for review as previously set forth, the application of Deanna Salcedo is hereby granted with approval of the following variances:

- a) Maximum Building Height of 28.0 feet;
- b) Maximum Building Coverage of 21.65%;
- c) Maximum Garage Floor area of 355 square feet;
- d) Side yard setback variance was eliminated and shall be a minimum of ten (10) feet.

- e) Stormwater management system will be installed and subject to the approval of the Board's Engineer;
- f) The public sidewalk will be replaced in its entirety;
- g) A new sewer line will be installed;
- h) The Applicant will comply with the recommendations set forth in the Mr. Azzolina's letter of May 13, 2021 and will submit updated plans and documentation prior to the June 15, 2021 meeting to confirm all issues were addressed prior to the memorialization of the resolution.

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 (1) 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;

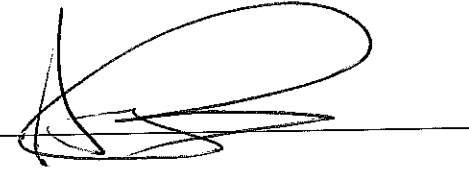
BE IT FURTHER RESOLVED, that the Secretary of the Zoning Board of Adjustment of the Township of Washington is hereby directed to mail a copy of this Resolution to applicant; to furnish a copy to the building department; to file a copy of this Resolution with the Township of Washington Clerk; and to cause 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 15, 2021

BY:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Said Toro, 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 15, 2021.

| BOARD | MOTION | SECOND | AYES | NAYES | ABSTAIN | ABSENT | RECUSE |
|-------------|--------|--------|------|-------|---------|--------|--------|
| Calandrillo | | | X | | | | |
| Capasso | | | X | | | | |
| Hanna #1 | | | | | | X | |
| LaGratta | X | | X | | | | |
| Mahoney | | | | | X | | |
| Moore | | | X | | | | |
| Roberto #2 | | | | | | X | |
| Toro | | | | | | X | |
| Werfel | | X | X | | | | |