

RESOLUTION TOWNSHIP OF WASHINGTON

ZONING BOARD OF ADJUSTMENT

ZBA-20-7

Introduced by:

Callandrillo, Grimaldi, Hanna, LaGratta, Moore, Mahoney, Werfel, Toro, Goetz (Chairman)

Seconded by:

Callandrillo, Grimaldi, Hanna, LaGratta, Moore, Mahoney, Werfel, Toro, Goetz (Chairman)

WHEREAS, CATHERINE RUSSO (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 and renovations of an existing 1½ story single family residential dwelling including a new two (2) car garage which will replace an existing carport. The property is known as 139 Cosman Street and designated as Lot 10, Block 4522 on the Tax and Assessment Map of the Township of Washington. The subject property is classified as a "corner lot" and is situated in the "Class A" Zoning District. The property exhibits a frontage of 100.00 feet (Cosman Street), 125.00 feet (Webster Street) with a total lot area of 12,500.00 square feet, which is a conforming lot. However, the Applicant seeks variance approval for a minimum front yard setback of 26.00 feet (to proposed garage additions) where a minimum front yard setback of 30.0 feet is required. The Applicant also seeks variance approval for a minimum rear yard setback of 25.29 feet (to proposed garage additions) where a minimum front yard setback of 30.0 feet is required. The Application is found to conform with all other applicable zoning criteria for the "Class A" Zone.; and

WHEREAS, the Township of Washington Zoning Board of Adjustment has carefully considered the testimony of the Applicant, Catherine Russo, the Applicant's Architect Daniel D'Agostino, and evidence presented by the Applicants and their professionals and Board discussion

and comments during the general public hearing held on August 18, 2020 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, Catherine Russo, including an Affidavit of Service, dated June 3, 2020 and consisting of nine (9) single sided sheets;
- b. The report of the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated March 16, 2020 and consisting of two (2) double-sided sheets;
- c. Survey prepared by Lakeland Surveying, Jeffrey S. Grunn, P.L.S. dated October 16, 2019 and consisting of one (1) sheet and marked into evidence as Exhibit A-2;
- d. Site/Floor plans, Exterior Elevations prepared by Plan Architecture, Daniel D'Agostino, A.I.A., dated April 9, 2020 and consisting of three (3) 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 10, Block 4522 currently has an existing 1 ½ story single family residential dwelling and is located in the "Class A" residential zone and is classified as a "Corner Lot". The Applicant's proposed use of the property is a permitted use in the "Class A" Zone;
2. At the public hearing held on August 18, 2020 the Applicant's Architect , Daniel

D'Agostino, was sworn in and accepted by the Board as an expert witness. Mr. D'Agostino testified that the Applicant wishes to replace an existing carport with a new 22' x 23' attached 1 story, 2-car garage addition situated at the northeast corner of the existing dwelling. He testified that this is the optimal location for the garage and it does meet the minimum garage area as it will be 506 square feet and a minimum of 500 square feet is required so no variance is needed in this regard. He further testified that Applicant requests a rear yard setback variance to allow a 26.00 foot setback from the proposed garage addition. He also testified that no matter where the garage is located it will require a set back variance. He further testified that a new exit door will be installed within the existing family room living area and along the north elevation of the existing structure and a new walkway will connect the existing driveway to the proposed exit door location. He testified that the proposed plans will not be a detriment or have any negative impact to the adjacent properties. He further testified that the new garage will bring the property into compliance with zoning ordinance 580-84A, which requires a minimum 2 car garage where none currently exists at the de minimis expense of front and rear yard setbacks.

3. The Applicant, Catherine Russo, was sworn in and testified that Cosman Street is a quiet dead end street and that the proposed garage will not have any negative impact on the neighborhood.

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 Architect that the variance would be needed to build a conforming 2 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 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 September, 2020 that based upon the findings of fact, testimony presented and documents submitted for review as previously set forth, the application of Catherine Russo is hereby granted to allow a rear yard setback of 26.00 feet to the proposed garage addition and a front yard setback of 25.29 feet to the proposed garage addition.;

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.

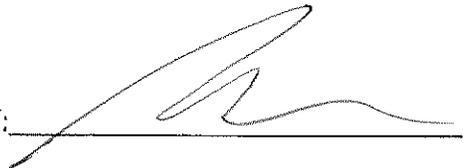
BE IT FURTHER RESOLVED that pursuant to the Code of the Township of Washington, the variances granted will expire within one (1) year from the date of this Resolution if construction is not commenced, however, this Board reserves the right to grant extensions of time from this Resolution if circumstances 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: September 15, 2020

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, September 15, 2020.


_____, Secretary

	Ayes	Nays	Abstain	Absent
Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grimaldi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LaGratta	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mahoney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Callandrillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Werfel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goetz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>