RESOLUTION TOWNSHIP OF WASHINGTON

ZONING BOARD OF ADJUSTMENT ZBA 20-05

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, MICHAEL WALSH (the "Applicant") have 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 Applicants proposed alterations and additions to an existing 1 ½ story split-level frame residential dwelling. The property is known as 123 Walnut Street and designated as Lot 11, Block 4509 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 on the east side of Walnut Street. The property exhibits a total frontage of 50.00 feet with a lot depth of 100.00 feet for a total lot area of 5,000.00 square feet which is a pre-existing non-confirming lot containing a non-conforming structure. The minimum lot area required is 7,500.00 square feet and minimum lot frontage required is 75.00 feet as per the zoning requirements of the Class B Zone. The Applicant seeks approval for a maximum building height of 26.8 feet where the maximum height permitted is16.7 feet. The Applicant seeks a maximum building coverage of 22.20% where the maximum building coverage permitted is 20.0%. The Applicant also has an existing non-conforming side yard setback of 9.7/10.1 feet where a minimum side yard setback of 10.00 feet is required. The Applicant seeks approval for a conditional use from the Zoning Board of Adjustment because the height of the principal structure exceeds the maximum height permitted in the district for a principal structure by more than 10 feet or 10 percent. 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 Applicants, Michael Walsh and Applicant's Architect Brian J. Callahan, and evidence presented by the Applicants and their professionals and Board discussion and comments during the general public hearing held on June 16, 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, Michael Walsh, dated March 12, 2020 and consisting of fourteen (14) double sided sheets;

b. The report of the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated February 3, 2020 and consisting of three (3) sheets;

c. Floor plans, Elevations and Site Diagram prepared by Brian J. Callahan., A.I.A., dated December 2, 2019 and consisting of five (5) sheets and marked into evidenced as Exhibit A-1;

d. Affidavit of Service with proof of publication, prepared by Michael Walsh, dated June 10, 2020 and consisting of seven (7) double sided sheets.

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 11, Block 4509 is presently used as a residential dwelling and is located in the "Class B" residential zone. The Applicant's proposed used of the property is a permitted use in the "Class B" Zone;

2. At the public hearing held on June 16, 2020 the Applicant, Michael Walsh was sworn in. Mr. Walsh testified that the property has an existing 1½ story split level frame dwelling. He further testified that he intends to construct a second floor addition and a new covered porch.

3. The Applicant's Architect, Brian J. Callahan., A.I.A., was sworn in and accepted by the Board as an expert witness. Mr. Callahan testified that the Applicant's property is located in the "Class B Zone and he was constructing a second-floor addition and adding a covered porch at the front entrance of the dwelling. He advised the Board that Applicant is seeking is requesting variance relief for the building height, side yard setback and maximum building coverage. He testified that the proposed height of the dwelling is 26.8 feet which usually would only be 1.8 above the maximum height of 25.0 feet. However, since this is a Conditional Use the maximum height permitted is 16.7 feet. He testified that the house was constructed in 1962 which predates the current ordinance. He further testified that this property has a substantial slope from front to back and the proposed ceiling height is as low as they can possibly make it. When asked if he could make the building height comply with a 25.0 foot height requirement Mr. Callahan testified that the roof would have to be almost flat which would create more problems. He further testified that side yard variance is a pre-existing non-conformity where 10.00 feet is required and 9.7 feet is proposed. However, Mr. Callahan testified that the Applicant is not expanding this non-conformity. He further testified that Applicant's proposed Building Coverage is 22.2% where a maximum of 20% is required. He testified that the primary cause of the Building Coverage Variance is the covered porch which is open on all three sides and does make the dwelling more aesthetically pleasing.

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the Applicant has satisfied the criteria for granting a c(1) variance and has accepted the testimony of the Applicant and their Architect that the height variance would be needed due to the sloping topography of the property and the narrowness of the lot size. In addition, a conforming roof

would be very flat creating other drainage issues.

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 renovation and 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 21st day of June, 2020 that based upon the findings of fact, testimony presented and documents submitted for review as previously set forth, the application of Michael Walsh is hereby granted to allow a building height of 26.8 feet and 2½ stories, a side yard setback of 10/9.7 feet and a maximum building coverage of 22.20% in conformity with the plans submitted to this Board as amended at the hearing.;

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: July 21, 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, July 21, 2020.

Barbara J. Coleman
Secretary

	Ayes	Nays	Abstain	Absent
Moore	X			
Grimaldi	X			
Hanna				
LaGratta				
Mahoney	X			
Calandrillo	X			
Werfel	X			
Toro	X			
Goetz	X			