RESOLUTION TOWNSHIP OF WASHINGTON

ZONING BOARD OF ADJUSTMENT

Introduced by:

Grimaldi, Hanna, LaGratta, Moore, Ozment, Plantamura, Werfel, Toro, Goetz (Chairman)

Seconded by:

Grimaldi, Hanna, LaGratta, Moore, Ozment, Plantamura, Werfel, Toro, Goetz (Chairman)

WHEREAS, MONA PEREZ AND SOCRATES PEREZ (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 a height variance to construct certain additions and renovations to an existing 1 ½ story residential dwelling. The property is known as 377 Jackson Avenue and designated as Lot 29, Block 2328 on the Tax and Assessment Map of the Township of Washington. The subject property is classified as an "interior lot" and is located within the "Class B" Zoning District. The property is an irregular trapezoidal shape having a total frontage of 75.00 feet with a lot depth of 102.27 feet to 125.61 feet for a total lot area of 8,456.00 square feet, which is in conformance with the zoning requirements of the Class B Zone. The Applicant sees approval for a maximum building height of 28.88 feet where the maximum height permitted is 25.0 feet. The Applicant also seeks approval for a pre-existing non-conforming left side yard of 9.85 feet where a minimum side yard of 10.0 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 carefully considered the testimony of the Applicants, Mona Perez and Socrates Perez and Applicant's Architect, Chris Blake, R.A., and evidence presented by the Applicants and their professionals and Board discussion and comments during the general public hearings held on October 15, 2019 and;

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

following:

a. Township of Washington Application for Variance by applicant, Mona Perez and Socrates Perez, dated September 25, 2019 and consisting of twenty-five (25) sheets;

b. The report of the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated September 20, 2019 and consisting of four (4) sheets;

c. Site/Floor/Elevation plans, prepared by Chris Blake, R.A., dated August 19, 2019 and consisting of three (3) sheets;

d. Survey prepared by GB Engineering, LLC, dated June 2, 2015 and consisting of one (1) sheet;

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 29, Block 2328 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 October 15, 2019 the Applicants, Mona Perez and Socrates Perez were both sworn in. Mrs. Perez testified that she and her husband purchased the property five (5) years ago and they now have two (2) children and would like to expand their existing single-family home. She further testified that the property is on a hill with a slope and is an irregular shaped lot.

3. The Applicant's Architect, Chris Blake, R.A, was sworn in and accepted by the Board as an expert witness. Mr. Blake testified that the property has a five (5) to six (6) foot slope from left to right which is a hardship causing the need for the height variance. He testified that the current

dwelling is a cape cod style home and the Applicant seeks a 2nd Story addition to include two (2) bedrooms, a hallway bathroom, a closet and a master bedroom suite including a bathroom and walk in closet. He also testified that he is also trying to keep a five (5) foot height at the peak to have enough room to access the HVAC unit in the attic. He testified that the Applicant seeks a building height of 28.88 where 25.0 feet is permitted and since the height variance is greater than ten percent (10%) the application must be heard by the Zoning Board of Adjustment pursuant to N.J.S.A 40:55D-70d(6). In addition, he testified that the Applicant has a pre-existing non-conforming left side yard of 9.85 feet where a minimum of ten (10) feet is required and seeks permission to expand a non-conforming structure which requires approval pursuant to N.J.S.A. 40:55-70d(2). He further testified that the current left side yard setback would not change with the proposed addition. After answering questions from the Board and hearing the Board's concerns Mr. Blake testified that he could reduce the height and still provide access to the HVAC unit. However, he testified that he could not comply with the 25.0 foot maximum height requirement as the Applicant would not have adequate space to access the HVAC unit. He also testified that with a height of 25.0 feet the roof would be too flat and would not be aesthetically pleasing. Accordingly, the Applicant agreed to reduce the height to 27.50 feet and and Mr. Blake testified that at this height the Applicant would have enough room to access the HVAC unit.

4. It should also be noted in the report from the Township Engineer, Paul Azzolina, PE, CME, Azzolina & Feury Engineering, Inc. dated September 20, 2019 that the application proposes a de minimis increase in impervious surface coverage due primarily from the additional roof which would not adversely affect the neighboring properties. Accordingly, Mr. Azzolina advised that supplemental stormwater management facilities shall not be required in connection with the subject application for Zoning/Engineering Approval. It should also be noted that there were no questions or objections from the Public in attendance at the meeting.

5. Pursuant to N.J.S.A 40:55D—70d(6), the Applicant seeks a height variance to allow a

maximum building height of 28.88 feet where the maximum height permitted is 25.0 feet. Pursuant to N.J.S.A 40:55D-70d(2) the Applicant seeks a left side yard variance for a pre-existing non-conforming side yard of 9.85 feet where a minimum of 10.0 feet is required. The Applicant's proposed is a permitted use in the "Class B" Zone.

6. The application complies in all other respects as to all other setbacks, coverage, etc.;

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the Applicant has satisfied the criteria for granting a height variance and has accepted the testimony of the Applicant and their Architect that the height variance would be needed due to sloping topography of the property. In addition, the pre-existing side yard variance is not changing and The Board can grant this variance as well. However, the Board Approves the Application under the following conditions:

a) The building height cannot be greater than 27.50 feet from the average grade.

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 19th day of November, 2019 that based upon the findings of fact, testimony presented and documents submitted for review as previously set forth, the application of Mona Perez and Socrates Perez is hereby granted to allow a building height of no greater than 27.50 feet and a left side-yard setback of 9.85 feet 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: November 19, 2019

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, November 19, 2019.

Barbara Coleman, Secretary

	Ayes	Nays	Abstain	Absent
Moore	✓			
Grimaldi	✓			
Hanna	✓			
LaGratta	✓			
Ozment _		✓		
Plantamura				✓
Werfel				✓
Toro				✓
Goetz	✓			