

**APPEAL OF FREDERICK CURRIE
1036 COLUMBUS AVENUE**

At the meeting of the Board of Adjustment held on May 8, 2000, the Board heard and considered the within appeal. Based upon the evidence presented and the Board's familiarity with the Land Use Ordinance, the subject property and the surrounding neighborhood, the Board found and determined as follows:

1. Applicant sought permission to erect a deck and remove the existing shed contrary to the requirements of Section 13.02 C.1 of the Land Use Ordinance. A variance is required because part of the proposed deck would be located partly in the side yard rather than only in the rear yard as required by the Ordinance.

2. Applicant submitted a Survey of the property prepared by William Held Associates, Inc., who maintain an office in Westfield, New Jersey, dated March 31, 1998 and revised April 6, 2000, as well as diagrams of the proposed deck.

3. The Applicant appeared at the May 8, 2000 meeting of the Board of Adjustment. The Applicant testified that the subject lot is a corner lot, and that he proposes to build a deck in the functional rear yard, which is actually the legal side yard of the property.

4. He testified that he proposes to build the deck in order to square-off the rear of the house. The Board indicated that setting back the deck 6 inches from the side wall of the house would break up a long tunnel like effect which would otherwise be caused by the side wall facade of the house and the continuation of the deck along that line. The Board determined that by setting the new deck 6 inches from the side wall of the house, it would be more visually pleasing and would minimize the impact of the deck on the neighboring side yard.

5. The Board opened the matter to comments from the public and there were none.

6. The Board indicated that it would be willing to look favorably upon the application, provided that the proposed deck would be set in 6 inches from the side wall of the house.

7. Based upon the above, the Board determined that the granting of the variance would permit the Applicant to use the property in a manner that is not detrimental to the area and that it would not substantially change the characteristics of the area, nor adversely affect the value of properties in the area.

8. The Board also determined that the Application could be granted without substantial detriment to the public good and that it would not impair the intent and purpose of the zoning plan and land use ordinance.

Based upon the above, the Board **RESOLVED** that the Application of **FREDERICK CARRIE**, seeking permission to erect a deck and remove the existing shed contrary to the requirements of Section 13.02 C.1 of the Land Use Ordinance, is hereby **GRANTED** (with Chairman Mannino, Vice Chairman Wilt, Messrs. Kelly, deBrueys, Heinbockel, Haas and Isoldi voting in the affirmative) subject to the following conditions:

1. The deck shall be set in 6 inches from the side wall of the house.

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