

RESOLUTION ZBA #2018-18

A RESOLUTION GRANTING BULK VARIANCE RELIEF TO PERMIT A DETACHED
GARAGE AND DRIVEWAY IN EXCESS OF PERMITTED IMPERVIOUS COVERAGE
LIMITS FOR PREMISES IN THE R-2 RESIDENCE DISTRICT

WHEREAS, on June 19, 2018, the Township of Moorestown Zoning Board of Adjustment held a public hearing in connection with the variance application of THOMAS F. WITKOWSKI, for premises at 144 East Oak Avenue in the R-2 Residence District (hereinafter referred to as R-2 District); and,

WHEREAS, applicant seeks a variance from the provisions of Article VII, Section 180-22, paragraph B, of the Moorestown Zoning Ordinance, to permit a detached garage and driveway that will exceed impervious coverage limits in the R-2 District; and,

WHEREAS, due notice was given by the applicant in accordance with statute by publication and by certified mail to all property owners within 200 feet of the premises, more than 10 days before the date of the hearing; and,

WHEREAS, the Moorestown Zoning Board having heard the testimony of applicant Thomas Witkowski and Architect Walter Croft, and having considered the variance and site plan application and exhibits submitted in connection therewith, and no one appearing in opposition to the application, the Board finds as follows:

FINDINGS OF FACT

1. Applicant is the owner of premises located at 144 East Oak being described as Block 4305, Lot 9 on the Moorestown Tax Map. Said premises are located in the R-2 District.

2. The subject premises are located on the southwest corner of the intersection of East Oak Avenue and Chestnut Street. Said premises contain 100 feet on frontage on the south side of East Oak Avenue right-of-way and 203.75 feet of

frontage on the west side of the Chestnut Street. The property is improved with a three story frame residential dwelling set back 50.43 feet from the East Oak Avenue right-of-way and 38 feet from the Chestnut Street right-of-way. There is a semi-circular driveway leading in from and out to Chestnut Street in the northeast quadrant of the lot. The property is also improved with an in ground pool located in applicant's rear yard approximately 35 feet from the Chestnut Street right-of-way and 15 feet from applicant's rear lot line. There is also a small rectangular frame garage structure between the pool and applicant's rear lot line that is utilized for storage. In addition, there is a small fish pond located in the southwest corner of the property.

3. Applicant's neighbors on the remaining corners of the intersection and applicant's interior and rear yard neighbors are all properties developed with substantial single family detached residences.

4. Applicant currently parks his two vehicles outside and stores his tools, yard and pool equipment in the basement of his residence. Applicant proposes to construct a detached garage in his rear yard set back 25 feet from the Chestnut Street right-of-way approximately midway between the swimming pool and the rear of his residence. The garage will be accessed by a paved driveway 22 feet in width leading in from Chestnut Street. The proposed garage would be 22 feet in depth and 31 feet 4 inches in width. It would be one and one-half stories in height with two garage doors each 9 feet in width and 8 feet in height at the front of the garage facing Chestnut Street. It will provide storage space for applicant's two vehicles. At the southern end of the proposed garage applicant will have a work bench plus a tool area for his personal use and there will be an attic above the first floor that will be used for storage. The garage would have a slate roof to match his existing residence with the wood siding on the exterior of the garage also matching said residence.

5. The proposed improvements together with existing site improvements will result in 36.65% impervious coverage of applicant's property. Of this coverage approximately 3% would be attributable to the pool with another 3/4% attributable to the fish pond. There are items that do not add to stormwater runoff which is one of the main areas of concern impervious coverage limits are designed to address. Article VIII of the Moorestown Zoning Ordinance, regulates the use and development of property in the R-2 District. Section 180-22 contains the bulk requirements applicable to the R-2 District and at paragraph D thereunder limits impervious coverage to 30%. Because applicant's proposed impervious coverage will be 36.65% bulk variance relief will be required to permit the proposed improvements.

CONCLUSIONS OF LAW

1. The Moorestown Zoning Board has jurisdiction over the within variance application pursuant to the provisions of N.J.S.A. 40:55D-70(c).

2. The proposed detached garage and driveway improvements constitute the reasonable use and enjoyment of the subject premises and will benefit the subject premises and impact positively on surrounding property values. Said improvements will advance the purposes of the Municipal Land Use Law and the benefit to be obtained from the proposed improvements will substantially outweigh any detriment that may result from same.

3. Strict enforcement of the applicable impervious coverage limit would prohibit the proposed detached garage addition and driveway and would result in peculiar and exceptional practical difficulties to and/or exceptional and undue hardship upon the applicant.

4. When the amount of impervious coverage attributable to the swimming pool and fish pond are considered and subtracted from the overall coverage calculation, the amount of impervious coverage proposed by applicant is decreased to 32% which is

de minimus in nature given the applicable 30% limit. Accordingly, the variance can be granted without substantial detriment to the public good and the variance relief requested can be granted without substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, that a motion duly made by Steve Solomon and duly seconded by Mark Williams to grant the variance relief sought by applicant from the provisions of Article VIII, of the Moorestown Zoning Ordinance, at Section 180-22, paragraph B, to permit the proposed detached garage addition and paved driveway access to same in the R-2 District, all in accordance with the plot plan submitted with the variance application, be and the same is hereby GRANTED.

The above variance was GRANTED by a 7 to 0 vote of the Moorestown Zoning Board of Adjustment at a meeting held on June 19, 2018.

ROLL CALL VOTE:

IN FAVOR: Joseph Maguire, Richard Koory, Steve Solomon, Maryann Fallows, Mark Williams, Walter Fazler, Vincent D'Antonio

OPPOSED: None

BE IT FURTHER RESOLVED, that a certified copy of this Resolution of Memorialization be sent, via regular mail, to the Applicant within ten (10) days of the date of adoption, and a copy of this Resolution shall be filed with the Administrative Officer or Clerk of the Township, Township Construction Official and Zoning Officer. A brief notice of this decision shall be published by the applicant in the official newspaper of the Township.

ANTHONY J. ZAPPASODI, Secretary

CERTIFICATION

This Resolution of Memorialization being adopted by action of the Zoning Board of the Township of Moorestown on this 17th day of July, 2018, is a true copy of the action taken by the Moorestown Township Zoning Board at its meeting held on June 19, 2018.

ANTHONY J. ZAPPASODI, Secretary