

RESOLUTION

OF

THE EAST BRUNSWICK ZONING BOARD OF ADJUSTMENT
EAST BRUNSWICK, NEW JERSEY 08816

APPLICATION NUMBER: Z—04-08

WHEREAS Russel and Lori Brown, hereinafter referred to as the applicant, have applied to the Zoning Board of the Township of East Brunswick for bulk variance relief to construct a porch within the required side yard and front yard setbacks of a residential dwelling (by way of relief from Chapter 228-224F.1 of the Zoning Ordinance of the Township of East Brunswick) for premises known as Block 703, Lot 11; and

WHEREAS, said applicant has complied with all jurisdictional requirements necessary to prosecute the within application and,

WHEREAS, a public hearing was held by the Zoning Board on February 19, 2004; and

WHEREAS, the Board considered testimony of the applicant and applicant's witnesses, received no public comment or objection, and reviewed various plans and exhibits offered by the applicant and from which has made the following findings of fact:

1. The premises are zoned R-3.
2. The property is located at 26 Northfield Avenue, on the north side of Northfield Avenue, 276.98 feet to the east of the intersection of Northfield

Avenue and Merrill Avenue and contains an existing one and one-half story frame dwelling; the premises slope down toward the westerly property line. The property to the west contains a masonry wall near the property line.

3. Applicant has provided a plan of survey prepared by Christopher A. Melick, P.L.S., N.J. Lic. # 35860 dated January 26, 2003.
4. Applicant seeks approval to construct a porch addition containing two hundred forty (240) square feet on the front of the dwelling and two hundred seventy-six (276) square feet on the west side of the existing home. The proposed porch would extend eight (8) feet out from the front of the house within the front yard setback and six (6) feet out toward the westerly property line within the side yard setback. This addition will create a front yard setback of seventeen and forty-one hundredths (17.41) feet where twenty-five (25) feet are required and a side yard setback of one and fifteen hundredths (1.15) feet where five (5) feet are required.
5. A report has been submitted by the Department of Planning and Engineering dated February 9, 2004 in which no recommendations have been made. Except as otherwise set forth herein, any factual determinations set forth in the reports stated above are herein incorporated by reference.

Based on the foregoing findings of fact the Board has arrived at the following legal conclusions:

1. The granting of the requested variance(s) would permit an appropriately sized enlargement of a residential use of the premises by construction of the porch. Accordingly, the Board concludes that the granting of the variance(s)

requested by the applicant permits an appropriate use and development of lands relating to this specific piece of property and the granting of the variance(s) would advance the purposes of the land development ordinance of the Township and that the benefits derived from granting the variance(s) substantially outweigh any detriments resulting from the granting of the variance(s).

2. The bulk variance relief allowing construction of the porch will permit enlargement of this single family dwelling to a size comparable to other dwellings in the neighborhood and create an architecturally more desirable visual environment. When the actual bulk calculations of other similar uses in the zone are considered, the Board finds that the variance(s) may be granted without substantial detriment to the public good and the grant will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, the Board has approved bulk variances for front yard setback and side yard setback (1) on February 19, 2004 by the following vote:

ROLL CALL VOTE

Those in Favor: Philips, Walling, Smith, Goldwasser, Klein, Goomer and Henkin

Those Opposed: None

Those Abstained: None

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of East Brunswick on this March 11, 2004 on the basis of the evidence adduced before it, the aforesaid findings of fact and ultimate findings (and conclusions),

as reflected in the minutes of this Board's meeting of February 19, 2004 that this Resolution of Memorialization of the Resolution adopted by the Zoning Board of Adjustment of the Township of East Brunswick at its meeting on February 19, 2004 granting the aforesaid bulk variances to allow construction of a porch within the side yard and front yard setback areas be approved subject to applicant meeting the following conditions:

1. Applicant shall build the porch no closer to the westerly side yard property line than one and fifteen hundredths (1.15) feet.

BE IT FURTHER RESOLVED, that all representations, commitments, and agreements made by the applicants or his representatives at any hearing(s), or contained in any document, plat, sketch, or submission delivered to the Zoning Board at any time prior to this approval, including those contained in any original or revised submission, shall be considered as conditions of approval of this application for development and are hereby incorporated in this resolution of approval.

Failure of the applicant to comply with the provisions hereof, any applicable Township ordinance, provision of any required bonds or to secure any required building permit within the time limitations of the statute and ordinance in such case made and provided, as calculated from the date of approval, shall render this approval null and void.

ROLL CALL VOTE

Those in Favor:

Those Opposed:

Those Abstained:

The foregoing is a true copy of a Resolution of Memorialization adopted by the Zoning Board of Adjustment of East Brunswick at its meeting on March 11, 2004.

Dated:


Secretary, Zoning Board