

J. Zilsky

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF WARREN

CASE NO. 85-4

RESOLUTION

WHEREAS, PETER and MADELINE LANDAU have applied to the Zoning Board of Adjustment of the Township of Warren for permission to construct an addition to a dwelling in violation of the minimum sideyard requirement, at premises located at 11 Timber Ridge Drive and known as Block 125, Lot 44F on the Tax Map of the Township, which premises are in an ECR Zone; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicants and of the adjoining property owners and other interested parties, has made the following factual findings and conclusions:

1. The subject property presently has a dwelling under construction for which the applicants are the contract purchasers. The applicants, who apply with consent of the property owner, seek to construct a 33' x 33' three-bay garage addition with a family room above it along the southerly side of the dwelling at a location 16.5 feet from the southerly sideline.
2. The application violates the 25 foot minimum sideyard requirement for the ECR Zone contained in Section 16-7, the Schedule of Requirements in the Warren Township Zoning Ordinance, as well as Section 16-5.1 of the Ordinance.
3. The application for relief to the Board of Adjustment comes within the terms and conditions of N.J.S.A. 40:55D-70(c).
4. Madeline Landau, one of the applicants, testified and indicated that she had inquired of the Township if it were possible to purchase a strip of land from the Township-owned lands adjoining to the south. She received a letter from the Township Administrator indicating that the Township is prohibited by deed restriction from selling any portion of the adjacent lot. The dwelling on the subject property, which is already under construction, is some 3600 square feet, and the existing garage space is desired for Mr. Landau's numerous model trains, according to the witness. She felt that the

third bay was an architecturally necessary addition to the contemporary style dwelling under constructions at the property. She also noted that the homes in the immediate area are large and they do generally contain three-car garages.

5. The realtor involved in the transaction testified that it is difficult to find dwellings in the Township large enough to accomodate Mr. Landau's trains. She also believed that if the roof line were to be shortened, it would impair the architectural integrity of the house.

6. No objectors appeared in connection with the application.

7. After reviewing the evidence, the Board concludes that the strict application of the zoning regulations will result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon, the developers of the subject property. Additionally, the benefits to be derived from this deviation from the Zoning Ordinance will substantially outweigh any detriment associated therewith. The proposed addition will enhance the general welfare and the Board is satisfied that same is to be constructed at an appropriate location. The fact that no construction can take place on the adjoining property is a significant factor, in the judgment of the Board, as far as mitigating any possible detrimental effects from a grant of the variance.

WHEREAS, the Board has determined the relief requested by applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Warren:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Warren, on this 6th day of May, 1985, that the application of Peter and Madeline Landau be granted.

ROLL CALL VOTE:

Those in Favor: Mr. Kennedy, Mrs. Kriegel, Mr. Gautier,
Mr. Walter and Chairman Luna.

Those Opposed: Mr. Dempsey

The foregoing is a true copy of a Resolution adopted by the Zoning Board of

Adjustment of the Township of Warren, at its meeting on May 6, 1985, as copied from the minutes of said meeting.



PATRICIA A. CZUPREWICZ, Clerk
ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF WARREN, COUNTY
OF SOMERSET, STATE OF NEW JERSEY

DATED: May 6, 1985

WARREN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
ZONING OFFICER DENIAL

NAME Peter & Madeline Landau PHONE

ADDRESS 8 Grouse Rd.
Warren, NJ 07060

THE ABOVE APPLICANT HAS REQUESTED PERMISSION TO construct 3 bay garage in
violation of minimum side yard.

AT PREMISES: BLOCK 125 LOT (S) 44F ZONE ECR
ADDRESS 11 Timber Ridge Drive PLAN DATE April 10, 1985
PREPARED BY Joseph A. Tombro, N. J. Lic. No. 17434

REQUEST HAS BEEN DENIED AS IT VIOLATES THE FOLLOWING PROVISION(S) OF THE
REVISED GENERAL ORDINANCES OF WARREN:

	<u>REMARKS</u>
SECTION <u>16-7 (5)</u>	<u>Construct garage addition in violation</u> <u>of minimum side yard.</u> <u>Ordinance 25'; proposed 16.5'.</u>
SECTION <u></u>	<u></u>
SECTION <u></u>	<u></u>
SECTION <u></u>	<u></u>

SITE PLAN APPROVAL REQUIRED: () YES
(X) NO

SECTION

DATE April 15, 1985

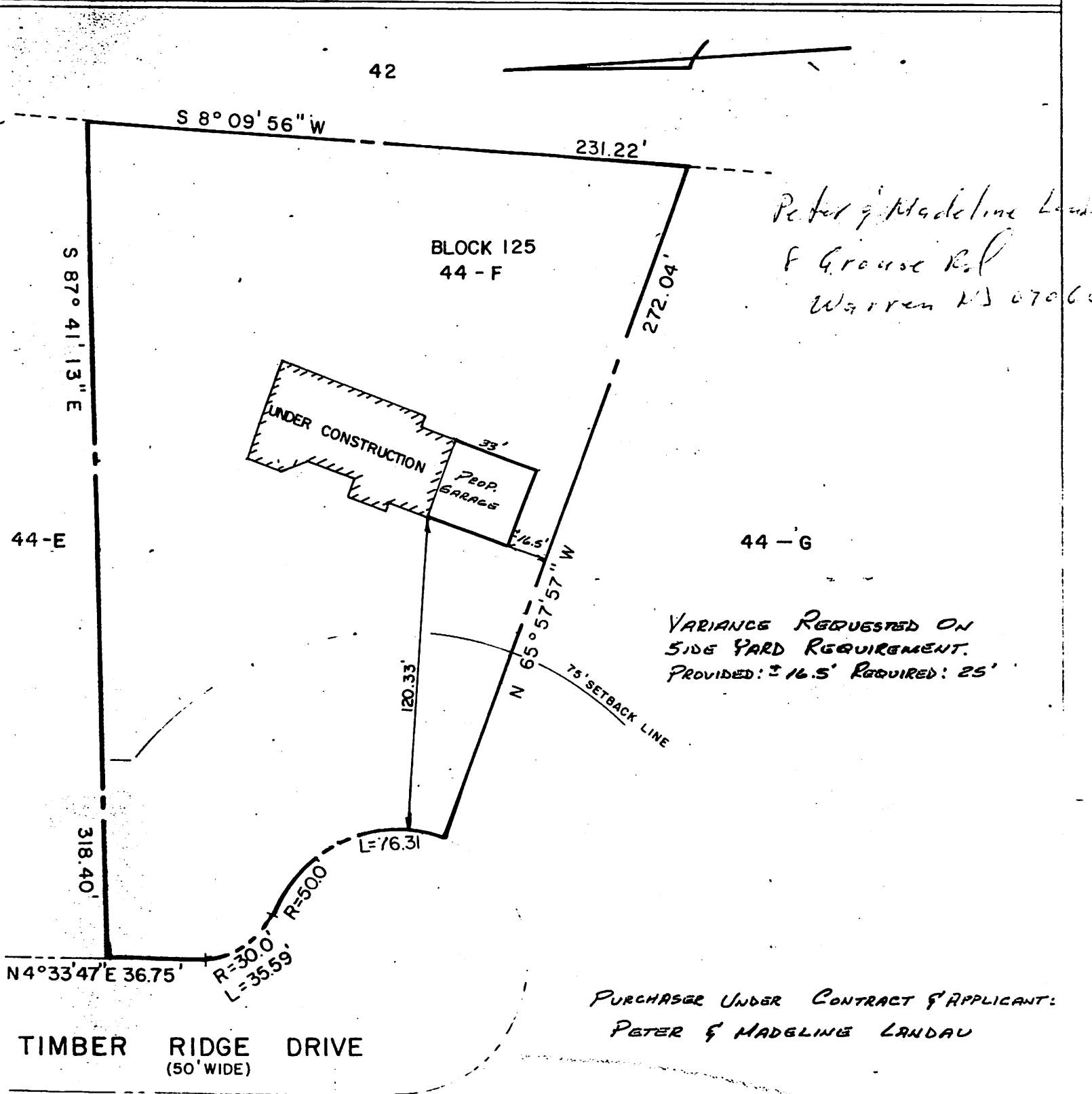
SIGNED

John S. Luteh
ZONING OFFICER

SITE PLAN OF PROPOSED ADDITION
IN
WARREN TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
FOR
BLOCK 125 LOT 44-F

APRIL 10, 1985

SCALE 1"=50'



THIS SURVEY IS CERTIFIED TO:

THIS SURVEY IS CERTIFIED BY:

T B A ENGINEERING
202 12TH ST
PISCATAWAY, N.J. 08854

Joseph A Tombro
JOSEPH A TOMBRO N.J. LIC NO. 17434