

BOROUGH OF NEW PROVIDENCE

BOARD OF ADJUSTMENT

RESOLUTION

WHEREAS, Janice Barstow Reitter is the owner of 35 Ashwood Drive, New Providence, New Jersey (the "Applicant"), and has applied to the Zoning Board of Adjustment of the Borough of New Providence (the "Board") for variances pursuant to N.J.S.A. 40:55D-70(c) for relief from the Borough's zoning ordinance to permit the construction of an addition. The proposed rear yard setback to the addition is 40.85 feet, whereas 58.2 feet is the minimum required. The property is designated as Block 91, Lot 3 on the Borough Tax Map, and lies in the R-1 Single Family Residential Zone; and

WHEREAS, the Board has reviewed the application, testimony and exhibits presented by the Applicant at the hearing conducted on December 18, 2017; and

WHEREAS, the Board has made the following findings of fact and drawn the following conclusions of law:

FINDINGS OF FACT

1. The Applicant, Janice Barstow Reitter, is the owner of 735 Ashwood Road, New Providence, New Jersey. The property is designated as Block 91, Lot 3 on the Borough Tax Map, and lies in the R-1 Single Family Residential District.

2. The proposed rear yard setback to the addition is 40.85 feet, whereas 58.2 feet is the minimum required. The proposed addition is in violation of the requirements set forth at Chapter 310, Article IV, Section 310-10, Schedule II.

3. Applicant Janice Barstow Reitter and Malathi Ananthakrishnan, her architect, were sworn in, and Ms. Ananthakrishnan was accepted as a licensed professional architect. Ms. Reitter grew up in the house which her parents built and would now like to add a bedroom and handicap-accessible bathroom at the rear of the house as she plans to move back into the house. She is a retired nurse and in taking care of her mother realized how difficult it was because the bedrooms are on the second floor. She wants to be able to take care of family members in the house as they age.

4. Ms. Ananthakrishnan testified that a variance for the rear-yard setback is required due to the irregular shape of the property. The lot is a 21,893 square foot “through” lot that goes back to Sherwood Drive. To determine the lot depth and rear-yard setback, Ms. Ananthakrishnan measured straight back along the right side of the proposed addition to the property line. The following exhibits were marked:

- Exhibit A-1 - A sheet with four photographs of the front, rear, left- and right-side views of the house
- Exhibit A-2 - A sheet with an aerial photograph of the property and three photographs marked A, B and C
- Exhibit A-3 - A copy of the rear elevation of the proposed addition, and
- Exhibit A-4 - A sheet with the site plan (marked to show the perspective of photographs A, B and C as shown on Exhibit A-2), zoning requirements, rear elevation and first- and second-floor plans.

5. The house is a typical split level. Ms. Ananthakrishnan described the photographs on Exhibit A-2: Photograph A looks back from the right side of the house toward the rear property line; Photograph B was taken close to where the addition would be looking toward the

neighbor; and Photograph C was taken from Sherwood Drive looking toward the back of the house. There is a fence and shrubs between the house and the closest neighbor to the north. The closest structure on Sherwood Drive is a garage.

6. The 16 foot by 21.5 foot addition is modest at 344 square feet. The addition will have a bedroom, walk-in closet and handicap-accessible bathroom. There will be one light near the outside entry to the addition probably on a sensor. Some shrubs will be removed but no trees are being removed. The tree shown on Photograph B of Exhibit A-2 is 30 feet from the house. The Applicant will agree with a condition to protect the tree.

7. Ms. Ananthakrishnan responded to questions from the Board. She hopes that a second air conditioning condenser is not needed, but if it is, it would be located in the corner closest to the addition. The addition will be slab on grade. The height of the addition is 13 feet, 10 inches, where the existing house is 24 feet, 6 inches. The siding will match the existing siding.

8. The hearing was opened to questions from the public. There were no questions from the public. No further witnesses appeared to testify and the hearing was opened to comments from the public. There were no comments from the public and the hearing was closed.

CONCLUSIONS OF LAW

1. The proposed addition does not comply with the requirements established by Chapter 310, Article IV, Section 310-10, Schedule II. The request to permit the construction of the addition requires the granting of a "c" variance pursuant to N.J.S.A. 40:55D-70(c).

2. Through the testimony and exhibit presented, the Applicant has established that the application:

- (a) relates to a specific piece of property, namely the Applicant's premises;

(b) that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, namely the promotion of the public health, safety, morals and general welfare and the preservation of neighborhood character and conservation of neighborhood values;

(c) that the variance can be granted without substantial detriment to the public good;

(d) that the benefits of the deviations would substantially outweigh any detriment and that the variance will not substantially impair the intent and purpose of the zone plan and ordinance.

3. The Board found the addition, as designed, would not negatively impact the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, on this 8th day of January, 2018, that Janice Barstow Reitter's application for "c" variance relief be and hereby is **GRANTED**, subject to the following conditions:

1. The addition shall be constructed in accordance with the plans and testimony presented to the Board and the tree identified in photograph B of Exhibit A-2 will be protected and preserved; and
2. The approval is subject to all other governmental approvals, including but not limited to compliance with the Borough's lot grading ordinance; and
3. The variances granted herein shall not constitute authority to engage in any construction which is not authorized by the Zoning Ordinance of the Borough of New Providence, except as expressly stated herein.

ROLL CALL VOTE

Those in Favor: Mr. Grob, Mr. Karr, Mr. Morgan, Mr. Sorochen and
Mr. Nadelberg

Those Opposed: -----

The foregoing is a Resolution duly adopted by the Zoning Board of Adjustment of the
Borough of New Providence at its meeting on January 8, 2018.

ATTEST:

Margaret Kovty
Secretary, Board of Adjustment

William R. Spillie
Chairman, Board of Adjustment