

BOROUGH OF NEW PROVIDENCE

BOARD OF ADJUSTMENT

RESOLUTION

WHEREAS, John F. McGowan is the owner of 64 Clinton Avenue, New Providence, New Jersey (the "Applicants"), 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 side yard setbacks to the addition are 2.65 feet, with a combined total of 10.63 feet, whereas 8 feet, with a combined total of 16.5 feet, is the minimum required. The property is designated as Block 62, Lot 11 on the Borough Tax Map, and lies in the R-2 Single Family Residential Zone; and

WHEREAS, the Board has reviewed the application, testimony and exhibits presented by the Applicants at the hearing conducted on January 8, 2018; and

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

FINDINGS OF FACT

1. The Applicant, John F. McGowan, is the owner of 64 Clinton Avenue, New Providence, New Jersey. The property is designated as Block 62, Lot 11 on the Borough Tax Map, and lies in the R-2 Single Family Residential District.

2. The proposed side yard setbacks to the addition are 2.65 feet, with a combined total of 10.63 feet, whereas 8 feet, with a combined total of 16.5 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. John and Marta McGowan were sworn in and Ms. McGowan testified that they would like to add a 9 foot by 9 foot one-story addition to the left side at the rear of the house for a hallway and bathroom. The existing setback on the left side of the house is 2.65 feet and the addition will extend the non-conformance by 9 feet.

4. The addition will be a continuation of the house on the left side and will not encroach further into the setback

5. The McGowans responded to questions from the Board. Their neighbors have an addition that extends back 15 to 16 feet. The proposed addition will not extend beyond the neighbor's house. They bought the house in 2011, and were not the owners when previous variances were requested.

6. 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 public 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 "c" variances 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 variances 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 variances 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 22nd day of January, 2018, that John F. McGowan'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
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. Karr, Mr. Morgan, Mr. Ping, Ms. Ananthakrishnan
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 22, 2018.

ATTEST:

Margaret Karty
Secretary, Board of Adjustment

William B. Nadelberg
Chairman, Board of Adjustment