

FLORENCE TOWNSHIP ZONING BOARD

RESOLUTION NO. Z.B.-2024-04

Application ZB#2023-11

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
MAIPU DURAN
BLOCK 89 LOT 5
RA LOW DENSITY RESIDENTIAL ZONING DISTRICT
BULK VARIANCE
APPROVAL**

**Decided:
Resolution Memorialized:**

**December 4, 2023
January 8, 2024**

WHEREAS, Maipu Duran has made application to the Florence Township Zoning Board of Adjustment seeking an impervious lot coverage variance to allow construction of extensions to an existing paver patio and the existing driveway at an existing undersized property located at 400 Oak Street and known on the Official Tax Maps of the Township of Florence as Lot 3 of Block 72;

WHEREAS, the applicant is the owner of the subject property;

WHEREAS, upon a finding that the applicants had provided proper mailed and published notices of hearing and that jurisdiction was proper in the Board, it opened a hearing on the application at its December 4, 2023 regular meeting;

WHEREAS, the applicant appeared *pro se*, was sworn, and offered her testimony in support of the application;

WHEREAS, the Board, based upon the recommendations of the Board Engineer, found the variance application sufficiently complete to be heard;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the subject property, and therefore has standing to bring this matter before the Board.
2. The applicant has provided proper mailed and published notices of hearing, and jurisdiction is proper in the Board.
3. Application has been made for an impervious lot coverage variance an impervious lot coverage variance to allow construction of extensions to an existing paver patio and the existing driveway at an existing undersized 7,689 sq. ft. property (10,000 sq. ft. required) located at 400 Oak Street and known on the Official Tax Maps of the Township of Florence as Lot 3 of Block 72.
4. The existing impervious lot coverage is 28.5 percent, proposed lot coverage is 31%, and allowed lot coverage is 25 percent.
5. The applicant has submitted the following documents in support of its application:
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Variance Application Checklist of Submission Requirements;
 - c. Proof that no taxes were due on the subject properties at the time of the application;
 - d. A survey of the subject property prepared by licensed surveyor showing existing development and annotated by the applicant to show proposed improvements;
 - e. Zoning Officer's Certification;
 - f. An executed Escrow Agreement;
 - g. Proper application and escrow fees as required by ordinance;
6. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated November 2, 2023 commenting upon the application which is hereby incorporated into the record.

7. The applicant offered testimony that there are many nearby properties with similar amenities and intensities of development, that the proposed development will be consistent with the character of the neighborhood, and that there are existing problems with grading and runoff which the applicant seeks to solve through the proposed construction. Specifically, the applicant proposes to raise the elevation of the paver patio along her property's sideline so that runoff is directed away from the adjoining property, and toward the front of her property and the street.
8. The Board Engineer concurred that he any existing issues with grading or runoff in light of the topography and existing drainage patterns can be ameliorated by the proposed improvements and grading.
9. The Board accepts the testimony of the applicants and the Board Engineer as credible and probative
10. No public comment was offered on the application.

Conclusions of Law:

The Board finds that the proposed bulk variance for impervious lot coverage can be approved pursuant to NJSA 40:55D-70(c)(1), because with regard to this particular property due to existing the existing undersized lot and existing lawful improvements, it would pose an exceptional practical difficulty to adhere to applicable impervious lot coverage limitations. Such adherence would deprive this property of amenities that are consistent with the existing development of the neighborhood. The Board does not perceive any substantial detriment to the public good or impairment to the zone plan which would flow from the proposed development, in light of the existing pattern of development on the subject property and nearby properties. Indeed, the proposed development should result in the elimination or mitigation of some existing detriments to an adjoining property. Therefore, the Board finds it appropriate, pursuant to NJSA 40:55D-70 (c)(1), and subject to appropriate conditions, to grant the requested variance.

In addition to the conclusions set forth above, the applicant has fulfilled the procedural requirements for the proposed development. Therefore, the requested bulk variance should be granted.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of Maipu Duran has made application to the Florence Township Zoning Board of Adjustment seeking an impervious lot coverage variance to allow construction of extensions to an existing paver patio and the existing driveway at an existing undersized property located at 400 Oak Street and known on the Official Tax Maps of the Township of Florence as Lot 3 of Block 72, be and hereby is, **GRANTED**, subject to the following conditions:

1. No additional stormwater shall be directed onto adjoining properties as a result of the new development, and the rear paver patio shall be pitched to direct stormwater away from the adjoining property and toward the street.
2. All taxes and escrow fees for professional review must be paid in full.
3. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: Florence Township Construction Office.
4. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
5. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
6. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not perfect this approval within one year of the date hereof (or such extended date as may be provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE BULK VARIANCE:

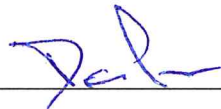
Moved by : Mr. Patel
Seconded by : Mr. Buddenbaum
In Favor : Mr. Patel, Mr. Buddenbaum, Mr. Cartier, Mr. Studzinski,
Mr. Puccio, Mr. Sovak, Chairman Lutz
Opposed : None
Abstained : None
Recused : None
Absent : None

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Buddenbaum
Seconded by : Ms. Sullivan
In Favor : Mr. Buddenbaum, Ms. Sullivan, Mr. Puccio, Mr. Sovak, Mr. Studzinski
Opposed : None
Abstained : Mr. Fevola, Mr. Wible
Absent : Mr. Minton, Mr. Patel

FLORENCE TOWNSHIP ZONING BOARD

Dated: 01/08/2024

, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on January 8, 2024, and memorializes a decision taken by the Board on December 4, 2023.

Dated: 1/8/24

, Secretary