

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2018-04

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF DAVID KLENK
FRONT YARD SETBACK
IMPERVIOUS LOT COVER
VARIANCES
BLOCK 31 LOT 12
IN THE RA LOW DENSITY RESIDENTIAL
ZONING DISTRICT
APPROVAL**

**Decided: December 4, 2017
Resolution Memorialized: February 5, 2018**

WHEREAS, David Klenk has made application to the Florence Township Zoning Board of Adjustment for front yard setback, rear alley setback and impervious lot coverage variances to permit construction of a front porch and a new 10' x 20' accessory shed, at a property located at 437 West 5th Street, and known on the official Tax Map of the Township of Florence as Block 31, Lot 12;

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

WHEREAS, upon a finding that proper mailed and published notice was given by the applicant, so that jurisdiction was proper in the Board, the Board opened the public hearing on the application at its December 4, 2017 regular meeting;

WHEREAS, Mr. Klenk appeared before the Board *pro se*, along with Ashley Nyul, who were sworn, and offered their testimony in support of the application;

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 located at 437 West 5th Street, and known on the official Tax Map of the Township of Florence as Block 31, Lot 12, and therefore has standing to bring this application before the Board.
2. Application has been made for a front yard setback variance to allow construction of a new front porch on the existing single-family dwelling that would be only 7.9 ft. from the right of way line of West 5th Street when a setback of 25 ft. is required and a setback of 14.9 ft. exists. As amended in the course of the public hearing to include a reduction in existing impervious surface through removal of an existing 165 sq. ft. concrete pad in the rear yard, the applicant also requests an impervious lot coverage variance to allow the house and accessory improvements to cover up to 42.9% of the total lot area of the property when 25% covered is allowed and 40.2% exists. The proposed shed location is setback only 5 ft. from the rear alley (which is un-improved though used for water & sewer utilities), when a 10 ft. alley setback is required.
3. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
4. 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. A Township of Florence Tax Collector's Certification that no taxes were due on the subject property at the time of the application;
 - d. A Township of Florence Zoning Officer's Certification that variance relief is required;
 - e. A series of photographs of the subject and nearby properties
 - f. A survey plan prepared by D.P. Sweeney & Associates dated 10/09/17 entitled "Location Survey Block 31, Lot 12, Florence Township,

Burlington County, New Jersey” , which shows the property outbounds, and the locations of existing improvements;

- g. A copy of the submitted survey plan that has been annotated by the applicant to show the locations and extent of the proposed improvements.
 - h. A rendering of the proposed front porch introduced and accepted into evidence in the course of the public hearing as Exhibit A-1;
 - i. Color renderings & plan views of the proposed new shed introduced and accepted into evidence in the course of the public hearing as Exhibit A-2.
5. The Board’s Engineer, Andrew Banff, PE, CME, of the Maser Consulting, submitted a review letter commenting upon the application dated November 29, 2017, which is hereby incorporated into the record.
 6. The existing concrete step at the front of the dwelling is to be removed.
 7. The subject property is an existing undersized lot of 5,000 sq. ft. when a conforming lot would be 10,000 sq. ft.
 8. The right of way for West 5th Street is exceptionally wide and the proposed front porch will be setback approximately 47 ft. from the curb line.
 9. Based upon the testimony of the applicant, which the Board accepts as credible, numerous other properties in the same block have similar or lesser setbacks and intensities of improvement, and there are no existing problems with runoff on the subject or adjoining properties. The proposed location of the shed toward the rear of the subject property will allow for a more functional rear yard area for recreation and family activities.
 10. The Board Engineer concurred that the proposed grading will maintain existing flow patterns and does not appear to present any significant issues.
 11. No public comment was offered concerning the application.

Conclusions of Law:

The Board finds that the proposed front yard setback, rear alley setback and impervious lot coverage variances can be granted pursuant to NJSA 40:55D-70(c)(1), because the subject property is significantly undersized, the proposed shed setback will allow for a more functional rear yard, the location of the existing dwelling would preclude construction of a front porch without variance relief, and strict adherence to the ordinance impervious coverage standard is functionally impossible. Since the proposed setback and porch are similar to other houses on the same block, the rear alley is unimproved, and there are no existing runoff issues, grant of the requested variances would create minimal detriments to the public good. The proposed variances will merely allow for development that is consistent with nearby properties. The proposed deviations do not create any substantial detriments to the public good or zone plan. Therefore, the Board finds it appropriate, subject to appropriate conditions, to grant the requested variances.

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 David Klenk seeking front yard setback, rear alley setback and impervious lot coverage variances to permit construction of a front porch and a new 10' x 20' accessory shed, at a property located at 437 West 5th Street, and known on the official Tax Map of the Township of Florence as Block 31, Lot 12, be, and hereby is, **APPROVED**, subject to the following conditions:

1. The applicant shall remove the 165 sq. ft. concrete pad in the rear yard and concrete front stoop.
2. No additional stormwater shall be directed toward adjoining properties as a result of the proposed developments.
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 the Uniform Construction Code;
4. All taxes and escrow fees for professional review must be paid current and in full.
5. 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 implement this approval within one year of the date hereof, this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE APPLICATION:

Moved by : Patel
Seconded by : Lutz
In Favor : Buddenbaum, Cartier, Lutz, Drangula, Patel, Zekas, Mattis
Opposed : None
Recused : None
Absent : Sovak

MOTION TO ADOPT RESOLUTION:

Moved by : Drangula
Seconded by : Lutz
In Favor : Drangula, Lutz, Cartier, Zekas, Mattis
Opposed : None
Abstained : None
Absent : Buddenbaum, Patel

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

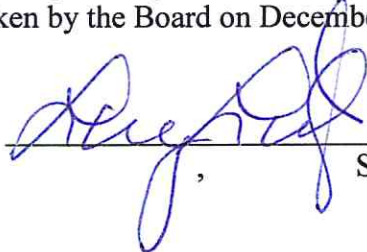
Dated: 5 Feb 2018


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 February 5, 2018 and memorializes a decision taken by the Board on December 4, 2017.

Dated: 02/05/2018


Secretary