BOA 2012

TOWN OF WESTFIELD
APPLICATION

I. Identification:
This appeal is from (applicant's name) **Rangan V Gangavaram**

street address 1020 Summit Avenue telephone 706-247-2755

e-mail **rangangv@gmail.com** fax

for property in Westfield, NJ located at (street address) 1020 Summit Ave

II. To: (check one)

[ ] Planning Board [X] Board of Adjustment
Board Secretary: Ms. Linda Jacus 908-789-4100 extension 4602
Both Boards: 959 North Avenue West, Westfield, NJ 07090: FAX 908-789-4113

III. For a Hearing For: (Check all applicable)

	Specific Applicable Sections of the Westfield L.U.O. for: **Submission Requirements Checklists**	**Procedures**
[X] *C variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
[X] *D variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
[ ] Conceptual Site Plans & Subdivisions	9.04	8.07
[ ] Minor Site Plan	9.02, 9.03, 9.08	8.06, 8.08, 8.13, 8.14, 8.23
[ ] *Preliminary Major Site Plan	4.03C,9.02, 9.03, 9.09	4.04, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
[ ] Final Major Site Plan	9.02, 9.03, 9.10	8.06, 8.11
[ ] Minor Subdivision	9.02, 9.03, 9.05	8.01, 8.06, 8.09, 8.13, 8.14, 8.23
[ ] *Preliminary Major Subdivision	4.03D,9.02, 9.03, 9.06	4.04, 8.01, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
[ ] Final Major Subdivision	9.02, 9.03, 9.07	8.06, 8.11
[ ] **Conditional Use	9.02, 9.03	4.04, 8.06, 8.13, 8.14
[ ] *Structure in street, drainage way, flood basin, reserved area	4.03F, 7.01E2	4.04, 7.01E, 8.04, 8.06, 8.13, 8.14
[ ] *Structure on lot not abutting street	7.01F2	4.04, 701F, 8.04, 8.06, 8.13, 8.14
[ ] *Board of Adjustment "a" appeal/ administrative officer error	7.02B2 & 3	7.02A & B, 8.04, 8.06, 8.13, 8.14
[ ] *Board of Adjustment "b" appeal/ interpretation ordinance/map	4.03B, 7.02C1 & 2 & 3	4.04, 7.02A & C, 8.04, 8.06, 8.13, 8.14
[ ] Residential cluster	9.02, 9.03, 9.06, 8.12, 11.03F	8.13, 8.14

***Public noticing is required pursuant to Section 4.03 & 4.04 ** A major site plan review is also required with a conditional use application**

IV. Application Description: Briefly describe the nature and scope of this application, including proposed uses and improvements. All subdivision appeals must state the present and proposed number of lots.

Mr. and Mrs. Gangavaram have recently purchased the residence and would like to add an attached two car single story garage and entry to the existing residence

V. Reasons: Briefly summarize the reasons why you believe this appeal should be granted.

The existing residence does not have the minimum (1) car garage. The rear yard cannot be accessed by the South East side. The owner would prefer to place the garage towards (Sandford Ave) existing side front yard and retain as much of the narrow rear yard for lawn. Residences along Sanford Drive have (2 car) garages facing the same direction towards their front yard. The entry will provide a lower height connection rather than adjoining the taller garage directly to rear of home.

Min. Lot Depth – Existing non-conforming, required 120' while existing is 114'unchanged.

Side Yard Setback – Existing non-conforming, required 20' while existing is 19.57' unchanged.

Rear Yard Setback – Required 35' min. proposed 20'. A variance of 15' is proposed. Although the addition could be proposed as a (1) car garage with no vestibule, the entry provides a break from the direct attachment and (2) car garage will allow the residence the opportunity to place cars in garage.

Max. Building Coverage – Max. 20% proposed is 25.26%. A variance of 5.26% is proposed. As stated, prior the existing residence does not have an existing garage. The entry and two car garage is consistent with neighboring property garage sizes and direction of entry and require this footprint to appear consistent.

FAR - Max. 32% proposed 34.24%. A variance of 2.24% is proposed. This additional FAR is being occupied by a heated entry which provides a break in scale and proportion from a directly attached garage. Being a corner lot attention paid to the proportion and scale will be felt by neighborhood observers.

VI. Property Description: Please provide the following information about the property, which is the subject of this appeal.

•Enclose a scaleable (full size) copy of a location survey of the property; showing the surveyors name and license number, and date of survey, if this information is not otherwise provided on a site plan or subdivision plat. Survey can be no more than 2 years old.

•Street address 1020 Summit Ave

Zone district RS-10 Block No. 5102 Lot No. 1

•Dimensions of lot 100.4x116.6x100x14 Area of lot _____ sq. ft.

•Use of premises present Single Family Residence
proposed Single Family Restidence

The proposed use is: [] permitted by ordinance [] a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment

[] a use permitted by variance [] a nonconforming (i.e. "grandfathered") use [] not a permitted use

Name of Owner Rangan V Gangavaram Telephone No. 706-247-2755
Street address of Owner1020 Summit Ave,Westfield Fax. No. _____

•Does the above owner also own any property that abuts the subject property?

[x] No [ ] Yes If yes, address: _____

If yes, is the abutting property subject to the Loechner-Campoli rule of merger? [ ] No [ ] Yes (If you don't know, check with the Tax Assessor in the Municipal Building.)

•Are there any present deed restriction(s) which affect this property? [x] No [ ] Yes If yes, attach copy of deed, including language of restriction(s).

•Are there any pending proceedings, concerning the property which is the subject of this application, before any federal, state, or local board of authority? [x] No [ ] Yes If yes, list here and attach a brief description of each. _____

RECEIVED
2/28/20

VII. Attorney Identification: Private individuals, or sole proprietors may represent themselves (i.e. present the application) before the Board. All other categories of applicants must be represented by an attorney. (reference: 1998 Cox - pages 477 & 478)

If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name _____ Telephone No._____

Attorney's firm _____ Fax. No._____

Street address _____

VIII. Notarization:

I/We, the undersigned applicant(s) do hereby grant permission for the members of the Planning Board, and the Zoning Board of Adjustment, their Attorney and the Zoning Officer of the Town of Westfield, NJ to enter upon the property which is the subject of this application, during all daylight hours during the pendency of this application. Permission to enter structures will be given for a mutually agreeable time.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.

JENNIFER BLASI
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 29, 2021

_____
Signature of Applicant (in the presence of a Notary)

Print Name : Rangan V Gangavaram_____

Address: 1020 Summit Avenue_____

_____

Sworn and Subscribed to before me this 20th day of January, 2020

_____
Notary Public

Home phone 706-247-2755_____

Business phone _____

IX. Do not write in the following spaces:

TO BE COMPLETED BY THE ZONING OFFICER:

- To the best of my knowledge and belief, this application is complete and correct.
- This application is currently the subject of a:
  _____ Zoning violation notice, No. _____, copy enclosed.
  _____ Municipal Court complaint, docket No. _____, copy enclosed.
  _____ Other pending action, (describe)_____
  _____ None of the above

Kathleen Neville
_____
Signature

TO BE COMPLETED BY THE BOARD SECRETARY:

Has there been any previous appeals(s) involving these premises?
[ ] No [X] Yes If yes, attach copies of resolution(s)

TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:

Application accepted as complete on 5/15/20

_____
Signature

2/28/20

TOWN OF WESTFIELD

LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

In reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall determine whether any existing non-conforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the resolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If the Board finds that substantial impacts or detriments will result, however, the application shall not be approved unless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent feasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:	1107 E.4	Nature of Deficiency:	LOT DEPTH		
	Permitted:	120' MIN	Present:	114'	Proposed:	114'
2.	Section:	1107 E.6	Nature of Deficiency:	SIDE YARD SETBACK		
	Permitted:	20' MIN	Present:	19.57	Proposed:	19.57 (RIGHT SIDE)
3.	Section:	2.11 G	Nature of Deficiency:	SIDE WALL LENGTH		
	Permitted:	25' MAX	Present:	34.3'	Proposed:	34.3'
4.	Section:		Nature of Deficiency:			
	Permitted:		Present:		Proposed:	
5.	Section:		Nature of Deficiency:			
	Permitted:		Present:		Proposed:	
6.	Section:		Nature of Deficiency:			
	Permitted:		Present:		Proposed:	

2/28/20

Revised

TOWN OF WESTFIELD

LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED

SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION

addition to the submission requirements for the individual categories of applications in the following sections, categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to bmit a statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is ught.

ote: This list must be consistent with the Variance Table, if otherwise required.

Section:	1107 E.7	Nature of Deficiency: REAR YARD SETBACK	
Permitted:	35' MIN	Present: 47'	Proposed: 20'
Section:	1204.F	Nature of Deficiency: BUILDING COVERAGE	
Permitted:	20 % 2308.7 SF	Present: 18.52% 2138 SF	Proposed: 23.26% 2686 SF
Section:	1204.E	Nature of Deficiency: FAR TOTAL	
Permitted:	32% 3600 SF MAX	Present: 31.31% 36.15 SF	Proposed: 34.24% 3953 SF
Section:	12.04F.3	Nature of Deficiency: MAXIMUM BUILDING COVERAGE w/ PORCH	
Permitted:	24% 2728 SF	Present: 20.1% 2324SF	Proposed: 24.9% 2872SF
Section:		Nature of Deficiency:	
Permitted:		Present:	Proposed:
Section:		Nature of Deficiency:	
Permitted:		Present:	Proposed:
Section:		Nature of Deficiency:	
Permitted:		Present:	Proposed:
Section:		Nature of Deficiency:	
Permitted:		Present:	Proposed:

02/8/22

TOWN OF WESTFIELD

REQUIREMENTS AND VARIANCES SUMMARY TABLE PER SECTION 911 B.7.

THIS TABLE MUST BE INCLUDED WITH ALL APPLICATIONS FOR "C" AND "D" VARIANCES, AND MUST BE SHOWN ON ALL REQUIRED SITE PLANS, SUBDIVISION PLANS, AND PLOT PLANS

The below regulations are for all RS, RM and P zones applications. All RA, O, CBD and GB zone applications use the "Bulk and Lot Regulations" for the zone.

ZONE: RS-10 APPLICANT: RAHGAH V. GANGAVARAM STREET ADDRESS: 1020 SUMMIT AVENUE

				PROPOSED			
				USE SEPARATE COLUMN FOR EACH LOT			
REG. NO.	REGULATION	UNITS	REQUIRED	LOT No. 1	VARIANCE?*	LOT No.	VARIANCE?*
1107 E1	Minimum gross area	sq. ft.	10000 MIN	11543.3	NO		
1107 E2	Minimum area within first 125 ft. of depth	ft.	10000 MIN	11543.3	NO		
1107 E2	Minimum width	ft.	80'	100.3'	NO		
1107 E3	Minimum frontage	ft.	80'	100.3'	NO		
1107 E4	Minimum depth	ft.	120'	114'	YES		
1203 C,D,E	Minimum front yard (per Sections 12.03C & D & E)	ft.	25'	31.25'	NO		
1107 E6	Minimum Sideyard RIGHT	ft.	20'	9.57'	YES		
1107 E6	" " LEFT	ft.	10'	10.66'	NO		
1107 E7	Minimum rear yard	ft.	35'	20'	YES*		
1204 F	Maximum building coverage (without deck)	%	20%	23.26%	YES*		
1204 F3	Maximum building coverage (with porch)	%	24%	24.86	YES*		
1204 E	Maximum FAR or total habitable floor area	%	32% (3600 MAX)	34.24%	YES*		
1107 E8	Maximum building height	ft.	32'	25'	NO		
1204 G	Maximum all improvements coverage	%	50%	29.09%	NO		
	Other:						
211 G	Other: MAX CONT SIDEWALL LENGTH	FT.	25'		YES		
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						

NOTE: This table must be consistant with the two variance lists, if they are included in the application.

* Single star all variances which are new variances; i.e. are not pre-existing, non-conforming conditions which will continue.

TOWN OF WESTFIELD

Application for
DE MINIMIS EXCEPTION FROM
RESIDENTIAL SITE IMPROVEMENT STANDARDS
(New Jersey Administrative Code, Title 5, Chapter 21)

NAME AND ADDRESS INFORMATION

Applicant's Name Rangan V Gangavaram Zip Code 07090	Mailing Address 1020 Summit Avenue, Westfield, NJ	Daytime Telephone (706)247-2755
Property Owner's Name – if other than above Zip Code	Mailing Address	Daytime Telephone ( )
Authorized Agent (Contact Person) for correspondence Zip Code	Mailing Address	Daytime Telephone ( )

PROPERTY INFORMATION

Block(s) 5102	Lot(s) 1	Zone

Address of Subject Property
1020 Summit Avenue, Westfield, NJ 07090

Indicate below the standards from which an exception is sought (include citation) – use additional sheet if necessary:

1) 1107 E.7 REAR YARD SETBACK 20' INSTEAD OF REQ'D 35'
(FOR PLACEMENT OF ATTACHED GARAGE)

2) 1204 F BUILDING COVERAGE (INCLUDING PORCH) 24.86%
(23.26% BUILDING & GARAGE + 1.6% FRONT PORCH)
INSTEAD OF 20% + 4% = 24%

3) 1204 E MAX FAR 34.24% INSTEAD OF 32%
INCLUDES GARAGE AREA IN EXCESS OF ALLOWED 250 SF (190 SF = 1.6%)

Indicate below the manner by which strict compliance with provisions would result in practical difficulties – use additional sheet if necessary:

1) PLACEMENT OF ATTACHED GARAGE NOT POSSIBLE WITHIN REQUIRED 35' REAR YARD

2) EXISTING BUILDING EXCEEDS MAX ALLOWABLE COVERAGE ADDITIONAL COVERAGE BY GARAGE/LIVE UNAVOIDABLE

3) EXISTING FAR EXCEEDS MAX 3600 SF AREA BY NOT % ADDITION OF GARAGE & LIVE NOT POSSIBLE WITHOUT VARIANCE

Indicate the nature and extent of such practical difficulties – use additional sheet if necessary:

IT WOULD NOT BE POSSIBLE TO CONSTRUCT ATTACHED GARAGE IN REAR YARD WITHOUT REAR YARD VARIANCE
REQUIRED GARAGE SPACE & LIVE NOT POSSIBLE WITHOUT COVERAGE / FAR VARIANCE

Applicant's Signature

Property Owner's Signature (if other than applicant)

Agent's Signature

2/28/20

TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY

AFFIDAVIT OF OWNERSHIP

I, Rangan V Gangavaram_____, of full age, being duly sworn
(Print Name)

according to law, do hereby certify that I am the (check one) owner or duly authorized officer of the owner (as listed on the application form), of the following property which is the subject of the within application to the Westfield Planning Board or Zoning Board of Adjustment:

Block & Lot (s) B5102 L1

Street Address(es) 1020 Summit Ave, Westfield, NJ 07090_____

_____

Check one:

1. X___ As the owner (or officer of), I am the Applicant in the within application.

2. _____ As the owner (or officer of), I am not the Applicant. I certify that I have reviewed and consent to the within application and that the information contained herein is true and correct to the best of my knowledge. I authorize the following entity/individual to act as the Applicant in making this application:

a. Authorized Individual/Entity: _____

_____

b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): _____

_____

_____
(Signature of Owner/Officer of Owner)

Sworn and subscribed to
before me on this 20th
day of January, 2020.

_____
Notary Public

JENNIFER BLASI
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 29, 2021

2/28/20

Tax Account Maintenance

Add | Edit | Close | Delete | Previous | Next | Detail | Letter | Help

Notes Exist

Block: 5102
Lot: 1
Qualifier:
Owner: GANGAVARAM, , VENKAT R &
Prop Loc: 1020 SUMMIT AVE
Account Id: [redacted]
Tax Bill | PTR Form

General | Assessed Value | Additional | Billing | Deductions | Balance | All Charges | Add/Omit | Notes

Year	Qtr	Type	Billed	Principal Balance	Interest	Total Balance
2020	2		4,861.69	4,861.69	.00	4,861.69
2020	1		4,861.69	.00	.00	.00
2020		Total	9,723.38	4,861.69	.00	4,861.69
2019	4		5,235.12	.00	.00	.00
2019	3		5,226.08	.00	.00	.00
2019	2		4,492.77	.00	.00	.00
2019	1		4,492.78	.00	.00	.00
2019		Total	19,446.75	.00	.00	.00
2018	4		4,517.42	.00	.00	.00
2018	3		4,517.42	.00	.00	.00
2018	2		4,468.13	.00	.00	.00
2018	1		4,468.13	.00	.00	.00
2018		Total	17,971.10	.00	.00	.00
2017	4		4,572.99	.00	.00	.00
2017	3		4,573.00	.00	.00	.00

Other Delinquent Balances: .00 Interest Date: 02/06/20 | Interest Date | Interest Detail
Other APR2 Threshold Amt: .00 Per Diem: .0000 Last Payment Date: 02/05/2020

TOTAL TAX BALANCE DUE

Principal: .00 Penalty: .00
Misc. Charges: .00 Interest: .00 Total: .00

* Indicates Adjusted Billing in a Tax Quarter.

CERTIFICATION
TAXES PAID UP TO DATE
NEXT TAX DUE 5-1-2020
ANY QUESTIONS, CALL 908-789-4051
TAX COLLECTOR

2/28/20 FAXED

OWNER & ADDRESS REPORT

WESTFIELD

1020 SUMMIT AVE

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
5016	9.01		2	FREES, RYAN & HELEN 1035 SUMMIT AVE WESTFIELD, NJ 07090	1035 SUMMIT AVE	
5016	10		2	ROKHSAR, MICHAEL H & STACEY R 1024 SUMMIT AVENUE WESTFIELD, NJ 07090	1027 SUMMIT AVE	
5016	11		2	SIMON, JASON S & SUSAN MARIE 1019 SUMMIT AVE WESTFIELD, NJ 07090	1019 SUMMIT AVE	
5016	12		2	BRACCO, CHRISTOPHER & DARCY 1015 SUMMIT AVE WESTFIELD, NJ 07090	1015 SUMMIT AVE	
5016	13		2	BRIDGEMAN, JANE& MOYES, CHRISTOPHER 323 CLIFTON ST WESTFIELD, NJ 07090	323 CLIFTON ST	
5101	1		2	CIOFFI, JOHN M - CARTER, LAURA A 401 CLIFTON ST WESTFIELD, N J 07090	1002 SUMMIT AVE	
5101	2		2	O'ROURKE, JOHN & SUZANNE 402 SANDFORD AVE WESTFIELD, NJ 07090	402 SANDFORD AVE	
5101	3		2	RUBEN, ZADOK 412 SANDFORD AVE WESTFIELD, NJ 07090	412 SANDFORD AVE	
5101	4		2	BROWNSTONE, DOUGLAS & JUDITH 418 SANFORD AVE WESTFIELD, NJ 07090	418 SANDFORD AVE	
5101	11		2	AZZARA, JOHN & FRANCESCA 421 CLIFTON ST WESTFIELD, NJ 07090	421 CLIFTON ST	
5101	12		2	SAPRU, NITIN M & MELISSA 413 CLIFTON ST WESTFIELD, NJ 07090	413 CLIFTON ST	
5102	1		2	GANGAVARAM, VENKAT & DAMARAJU, SITA 1020 SUMMIT AVE WESTFIELD, NJ 07090	1020 SUMMIT AVE	
5102	2		2	BROWN, LAURA 400 POE AVE WESTFIELD, NJ 07090	400 POE AVE	
5102	3		2	PASTORE, MICHAEL & ADRIAN 408 POE AVE WESTFIELD, NJ 07090	408 POE AVE	
5102	4		2	IRVING, JEFFREY D & MARTI B 418 POE AVE WESTFIELD, NJ 07090	418 POE AVE	
5102	5		2	STRAUSS, JEFFREY N & JILL 428 POE AVE WESTFIELD, N J 07090	428 POE AVE	
5102	8		2	FERIO, DAVID & KAREN E 421 POE AVE WESTFIELD, N J 07090	421 POE AVE	
5102	9		2	LEIBOWITZ, EDWARD H & MINDY S 411 POE AVE WESTFIELD, NJ 07090	411 POE AVE	
5102	10		2	BEATUS, LLC 740 NORGATE WESTFIELD, N J 07090	401 POE AVE	

WESTFIELD

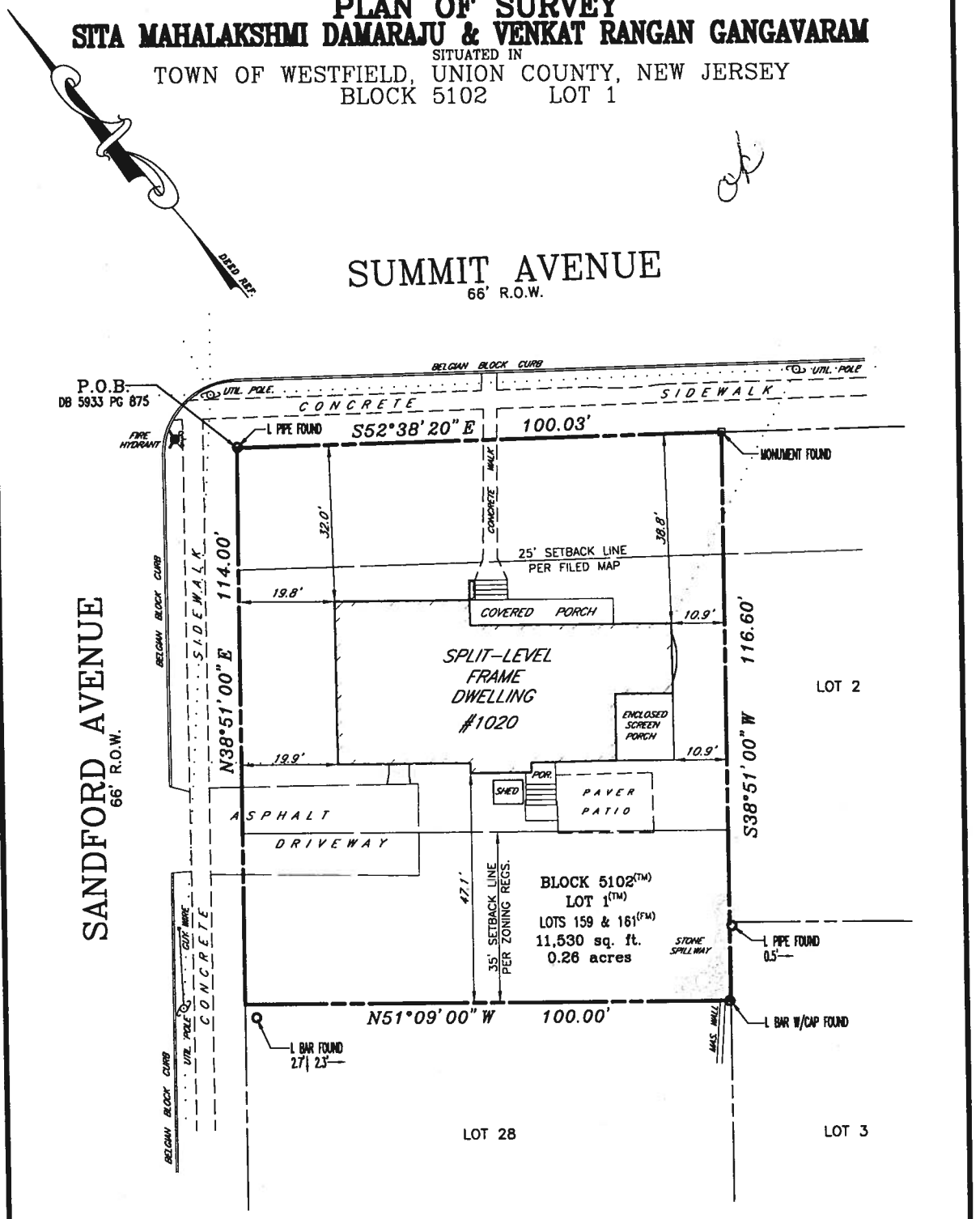
1020 SUMMIT AVE

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
5102	26		2	SIMPSON, JOHN & CHRISTINE I. 427 SANDFORD AVE WESTFIELD, N J 07090	427 SANDFORD AVE	
5102	27		2	HARMER, EDWARD & FRANCES 419 SANDFORD AVE WESTFIELD, NJ 07090	419 SANDFORD AVE	
5102	28		2	FRANKFORT, ADAM S & KATARZYNA 413 SANDFORD AVE WESTFIELD, NJ 07090	413 SANDFORD AVE	

DUNHAM
CLIFTON
SUMMIT
MIDVALE
BOULEVARD
SANDFORD
POE
TICE
LANDSDOWN
GRACE ORTHODOX PRESBYTERIAN CHURCH 1100 BOULEVARD
1105
1115

PLAN OF SURVEY
SITA MAHALAKSHMI DAMARAJU & VENKAT RANGAN GANGAVARAM

SITUATED IN
TOWN OF WESTFIELD, UNION COUNTY, NEW JERSEY
BLOCK 5102 LOT 1



THIS CERTIFICATION IS MADE ONLY TO ABOVE NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY ABOVE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

I HEREBY CERTIFY THIS SURVEY TO:

SITA MAHALAKSHMI DAMARAJU and VENKAT RANGAN GANGAVARAM

PNC BANK, NA, its successors and/or assigns

NRT TITLE AGENCY, LLC (NRT64801)

CHICAGO TITLE INSURANCE COMPANY

JOYCE K. WEGBREIT, ESQUIRE

REFERENCES:

DEED BOOK 5933 PAGE 875

MAP ENTITLED "TUXEDO PARK"
FILED MAY 31, 1927 AS MAP No. 2-F.

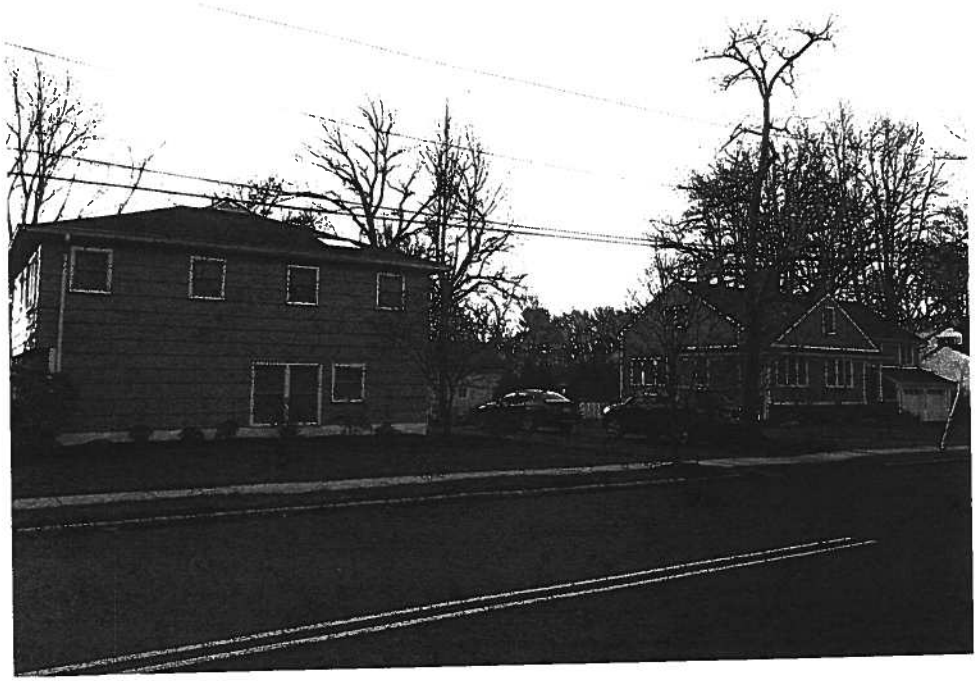
"A written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L.2003, c.14(C45:8-36.3) and N.J.A.C. 13:40-5.2 (d)."

CONTROL LAYOUTS, INC.
LAND SURVEYORS
CERTIFICATE OF AUTHORIZATION #24GA28001900
271 CLEVELAND AVENUE HIGHLAND PARK, N.J. 08904
PHONE (732) 846-9100 FAX (732) 937-5793

DATE: 8/8/17

REVISION 1.	ADD REAR SETBACK LINE	DATE: 04/21/20	BY: FMC
FILE NO. 825-17	DATE: 8/3/17	SCALE: 1"=20'	FMC FMC

GREGG A. GAFFNEY ◆ NEW JERSEY PROFESSIONAL LAND SURVEYOR #GS43304



CHRISTOPHER FIKRY & STEPHANIE MANN
1020 Summit Avenue

At the meeting of the Zoning Board of Adjustment for the Town of Westfield which was scheduled and took place on September 9, 2013, the Board heard and considered the within appeal.

Based upon the evidence presented and the Board's familiarity with the Land Use Ordinance, the subject property, and the surrounding neighborhood, the Board found and determined as follows:

1. The applicants appeared to present this case directly to the Board. It is noted that the applicants seek approval to construct a one-story addition, a two-car garage, and to convert a side porch to a side yard deck, contrary to the requirements and provisions of Sections 11.02C1, 11.077, 12.04E1, 12.04F1, 12.04F2, and 12.04F3 of the Land Use Ordinance. The Ordinance requires a deck to be located in the rear yard, proposed in this case is a deck in the side yard of the property. The Ordinance requires a 35 foot rear yard setback for this property, proposed is a setback at 22.66 feet. The Ordinance allows maximum floor area ratio of 31.2% (3,600 square feet), in this case a maximum floor area ratio is proposed at 33.63% (3,881.91 square feet). The Ordinance allows a maximum building coverage of 20% (2,308.7 square feet), coverage is proposed at 21.65% (2,499.65 square feet) in this case. The Ordinance allows a maximum building coverage with a deck of 22%, proposed is coverage at 23.1%. Finally the Ordinance allows maximum building coverage with a porch of 24%, proposed is 24.7%.

2. As part of the application materials submitted, the Board acknowledged receipt of "Boundary and Topographic Survey" from Morgan Engineering LLC of Toms River New Jersey, which survey was dated 3/4/2013 and with indications of building coverages and variances required in this case from the Zoning Official for the Town of Westfield. Also submitted were

architectural plans entitled "Alterations and Additions to Fikry Residence" as prepared by Vincentsen Associates, Architects, of Westfield, New Jersey, which plans were dated 4/3/13 with revisions thru 8/6/2013 and consisting of six sheets. Prior to the commencement of this case, the Town Planner, Mr. Drew, advised the Board that a variance for the "deck in the side yard was no longer necessary".

3. The applicant, Mr. Fikry, provided testimony that he had purchased the home last year and that his project architect, Barbara Vincentsen, would explain the plans for the new work proposed. The project architect offered to the Board photographs of the premises which were marked as exhibits into evidence which she used to explain the existing conditions on the site and the new construction work proposed. The architect's updated plans as revised August 6, 2013 were used as well by the architect to explain the new work proposed which did not include the deck as originally proposed.

4. The project architect explained the changes in the residence as proposed including the need for the various variances that were listed which were confirmed in the calculations done by the Zoning Officer marked on the survey as Exhibit B-1 in the case before the Board. The project architect testified, "Anything you add to the property or any new work will create an FAR variance and the FAR already exceeds the Ordinance requirements." The architect also testified that the property does not have a garage at the present time thereby making the property non-conforming. Also the project architect then went over the various improvements which caused the other variances being requested in this case which the architect referred to as, "These variances are needed to get where we want to go."

5. The architect then utilized the survey and her plans to explain to the Board that the applicants' property was a

corner lot and then located all the improvements proposed in this case. This included a 20 foot by 22 foot two-car garage with "the driveway here being almost on the sidewalk". Although the architect acknowledged the need for coverage variance relief and that the zone district for this property only required a single-car garage, she also testified to the Board, "The property here is across the street from a different zone district, RS-12, which requires a two-car garage."

6. Ms. Vincentsen then utilized her drawings to go over with the Board the elevations for the dwelling as proposed which she related to "a split level type of residence which you will see is being improved with the floor plans that we are providing". In reviewing the floor plans for the new work proposed, the architect also offered to the Board her belief that, "Some of the FAR variance is required for the interior closet space." Ms. Vincentsen, who is also a professional planner, further offered her belief to the Board, "The additions and new work proposed in my opinion fit the intent of the Ordinance, and the location of the house and improvements as we are proposing will not negatively impact on neighboring property owners."

7. The Board questioned the project architect as to whether or not the property had ever been improved with a garage. Ms. Vincentsen testified, "I think the original house had a garage, but when the house was turned into a doctor's office this was converted and/or removed." The Board then questioned the architect about whether it was possible to reduce the extent of the improvements proposed. Ms. Vincentsen responded to the Board's suggestions by stating, "I believe the house will look much better with this design and these plans."

8. The Board, in a review of the numerous variances required in connection with the new work proposed, discussed the extent and scope of the project in relationship to the

applicants' relatively small lot for the extent of coverage and other work that was being requested. The Board also considered whether or not the applicants had shown that there were not other feasible alternative designs available to minimize or mitigate the extent of variance relief requested. Also the Board considered whether or not the applicants had already "maxed out" the improvements on the property and were proposing new work which was not consistent with conditions in the neighborhood and which would represent an overuse of the lot.

9. There was no further testimony, evidence, nor other arguments heard by the Board in connection with this case.

The Board finds and concludes that the applicants' improvements proposed in this case, which require numerous variances to be granted in connection with same, clearly represents an undesirable overuse of the property in the reasonable judgment of the Board.

The Board finds and concludes that the applicants' have failed to demonstrate that the extent of the improvements proposed in this case can be properly and reasonably accommodated on the property consistent with good principles of planning and design.

In addition to failing to consider other alternatives and options to mitigate or reduce the extent of variance relief, the Board notes that the applicants have failed to present a plan for the new work proposed at the property which can be approved by the Board as the new work proposed is again noted by the Board to be excessive as to an over-improvement and overuse of the property, with negative impact to not only the subject property but to other properties in this immediate neighborhood and zone as well in the reasonable judgment of the Board.

The Board believes that other than the personal desires and wishes of the applicant that there have been no reasons advanced to the Board to justify variance relief in this case nor any

showing of required evidence and proofs of positive criteria or benefits to the property that would result from the grant of the numerous and substantial variances sought in this case. Most importantly as well to the contrary the Board finds that there would be considerable negative impact and other detriment to the subject property by the overuse and over-improvement of same that the applicants propose which the Board cannot therefore properly allow nor permit thru variance relief.

Finally, the Board finds and concludes that the grant of variance relief sought in this case cannot issue to the applicants as requested as it would be clearly contrary to the goals and purposes of the Master Plan and the Land Development Ordinances for the Town of Westfield which discourage overall excessive use of properties in the reasonable judgment of the Board.

NOW, THEREFORE, based upon all of the above, the variance requests of Christopher Fikry and Stephanie Mann from the requirements of Sections 11.02C1, 11.07E7, 12.04E1, 12.04F1, 12.04F2, and 12.04F3 of the Land Use Ordinance to allow and permit the applicants to construct a one-story addition and two-car garage as shown in the revised plans and evidence and testimony before the Board in this case, which would require variance relief as to these deficiencies from the Ordinance requirements as set forth above, **BE AND HEREBY ARE ORDERED DENIED.**

William E. Hinkel
Chairman

Kathleen Kenneth
Secretary

Dated: October 16, 2013