

2/14  
27 YES  
HPE MD

BOA 20-11  
TOWN OF WESTFIELD  
APPLICATION

45 down  
review 4/9/20  
12 day decision  
date 9/15/20

**I. Identification:**

This appeal is from (applicant's name) John & Alison Flood  
street address 745 Highland Avenue telephone 908-868-5277 (Alison)  
e-mail alisonflood8@gmail.com fax N.A.  
for property in Westfield, NJ located at (street address) 745 Highland Avenue

**II. To:** (check one)

Planning Board  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:

	<u>Submission Requirements Checklists</u>	<u>Procedures</u>
<input checked="" type="checkbox"/> *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
<input type="checkbox"/> *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
<input type="checkbox"/> Conceptual Site Plans & Subdivisions	9.04	8.07
<input type="checkbox"/> Minor Site Plan	9.02, 9.03, 9.08	8.06, 8.08, 8.13, 8.14, 8.23
<input checked="" type="checkbox"/> *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
<input checked="" type="checkbox"/> Final Major Site Plan	9.02, 9.03, 9.10	8.06, 8.11
<input type="checkbox"/> Minor Subdivision	9.02, 9.03, 9.05	8.01, 8.06, 8.09, 8.13, 8.14, 8.23
<input type="checkbox"/> *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
<input type="checkbox"/> Final Major Subdivision	9.02, 9.03, 9.07	8.06, 8.11
<input type="checkbox"/> **Conditional Use	9.02, 9.03	4.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *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
<input type="checkbox"/> *Structure on lot not abutting street	7.01F2	4.04, 7.01F, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "a" appeal/ administrative officer error	7.02B2 & 3	7.02A & B, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *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
<input type="checkbox"/> Residential cluster	9.02, 9.03, 9.06, 8.12, 11.03F	8.13, 8.14

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\*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.

Applicant proposes to renovate and/or improve the following: side entryway and stoop, basement entry, addition of some paving stones, new and remodeled patio area, pool house, inground pool and patio, fencing and reconfiguration of driveway

**V. Reasons:** Briefly summarize the reasons why you believe this appeal should be granted.  
The proposed improvements are accessory uses and structures common to the permitted residential use, and the variances required for this submission are minor in nature and can be granted without substantial detriment to the public good and without substantial impairment to the intent or purposes of the Zone Plan or Zoning Ordinance.

For these reasons, the Applicant respectfully requests that the variance approvals be granted.

**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 a 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 745 Highland Avenue  
Zone district RS-24 Block No. 501 Lot No. 22

•Dimensions of lot 136x233.53x136.86x218.20 Area of lot 30,718 sq. ft.

•Use of premises present single-family residence  
proposed no change

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 Flood, John & Alison Telephone No. 908-868-5277 (Alison)  
Street address of Owner 745 Highland Avenue Fax No. \_\_\_\_\_

•Does the above owner also own any property that abuts the subject property?  
 No  Yes If yes, address: \_\_\_\_\_

If yes, is the abutting property subject to the Loechner-Campoli rule of merger? <sup>N.A.</sup>  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?  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?  No  Yes If yes, list here and attach a brief description of each.

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**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)

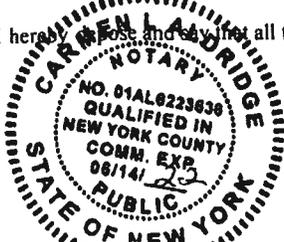
If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name Stephen Hehl Telephone No. 908-687-7000  
 Attorney's firm Javerbaum Wurgaft Fax No. 908-687-7028  
 Street address 370 Chestnut Street, Union, NJ 07083

**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 swear and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.



John Henry Flood  
 Signature of Applicant (in the presence of a Notary)

Print Name: John Flood  
 Address: 745 Highland Avenue  
Westfield, NJ 07090  
 Home phone 908-868-5277 (Alison)  
 Business phone \_\_\_\_\_

Sworn and subscribed to before me this 2nd day of JANUARY, 2020  
[Signature]  
 Notary Public

**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  Yes If yes, attach copies of resolution(s)

**TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:**

Application accepted as complete on 5/18/20 [Signature]  
 Signature

2/24/20

Revised  
Pages

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: 11.04.E.8	Nature of Deficiency: Building Height		
	Permitted: 33.5'	Present: 34.04'	Proposed: 34.04'	
2.	Section: 11.04.E.11.	Nature of Deficiency: Maximum Improvement Coverage		
	Permitted: 30.0%; 8,000 s.f	Present: 29.4%; 9,037 s.f	Proposed: 30.0%; 9,207 s.f.	
3.	Section: 13.01G.1B.	Nature of Deficiency: Minimum Rear setback-Accessory Structure		
	Permitted: 10'	Present: 1.74'	Proposed: 1.74'	
4.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
5.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
6.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	

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TOWN OF WESTFIELD

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

**SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION**

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

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

1.	Section: 12.04.F.1	Nature of Deficiency: Maximum Building Coverage
	Permitted: 15.0%; 4,000 s.f.	Present: 12.8%; 3,698 s.f. Proposed: 14.6% 4,481 s.f
2.	Section: 12.04.G	Nature of Deficiency: Maximum Improvement Coverage
	Permitted: 30.0%; 8,000 s.f	Present: 29.4%; 9,037 s.f. Proposed: 30.0%; 9,207 s.f.
3.	Section: 13.01.C	Nature of Deficiency: Maximum Gross Floor Area (Accessory Bldgs)
	Permitted: 750 s.f	Present: 698 s.f. Proposed: 1,198 s.f.
4.	Section: 13.02.D.5	Nature of Deficiency: Required fence type
	Permitted: solid	Present: N.A. Proposed: open
5.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
6.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
7.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
8.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:

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**TOWN OF WESTFIELD**  
**REQUIREMENTS AND VARIANCES SUMMARY TABLE PER SECTION 911 B.7.**

**SCHEDULE OF GENERAL REQUIREMENTS**

ZONE RS-24 (SINGLE-FAMILY)

SECTION	REGULATION	UNITS		REQUIREMENT	EXISTING	VIOLATION	PROPOSED	VARIANCE
		SQ. FT.	FT.					
\$11.04.E.1	MIN. LOT AREA			24,000 S.F.	30,718 S.F.	NO	30,718 S.F.	NO
\$11.04.E.2	MIN. LOT AREA WITHIN 200' OF LOT DEPTH			24,000 S.F.	27,200 S.F.	NO	27,200 S.F.	NO
\$11.04.E.3	MIN. LOT WIDTH			120'	136'	NO	136'	NO
\$11.04.E.4	MIN. LOT DEPTH			120'	136'	NO	136'	NO
\$11.04.E.5	MIN. FRONT YARD			160'	218.20'	NO	218.20'	NO
\$11.04.E.6	MIN. STREET SIDE YARD			50'	54.92'	NO	54.92'	NO
\$11.04.E.7	MIN. SIDE YARD			25'	N/A	NO	N/A	NO
\$11.04.E.8	MIN. REAR YARD			15'	19.36'	NO	19.36'	NO
\$11.04.E.9	MIN. BUILDING HEIGHT (FEET/STORIES)			50'	104.58'	NO	104.58'	NO
\$11.04.E.10	MAX. FLOOR AREA RATIO (12.04.E.1) (16,000-39,999 S.F.)			33.5%/2.5	34.04%/2.5	ENC	34.04%/2.5	ENC
\$11.04.E.11	MAX. FLOOR AREA RATIO (12.04.F.1) (24,000 S.F.-39,999 S.F.)			25%/8,000 S.F.	18.7%/5,746 S.F.	NO	20.3%/6,234 S.F.	NO
\$11.04.E.12	MAX. COVERAGE BY BUILDINGS AND ABOVE GRADE STRUCTURES (WITHOUT DECK) (12.04.F.1) (24,000 S.F.-39,999 S.F.)			15%/4,000 S.F.	12.9%/3,968 S.F.	NO	14.6%/4,481 S.F.	YES
\$11.04.E.13	MAX. ADDITIONAL COVERAGE BY DECK/PATIO (12.04.F.2) (0 S.F.-39,999 S.F.)			2%/400 S.F.	0.3%/83 S.F.	NO	1.3%/400 S.F.	NO
\$11.04.E.14	MAX. COVERAGE BY INGRESS EGRESS PLATFORMS & DECKS (12.04.F.3) (24,000 S.F.-39,999 S.F.)			3%/1,000 S.F.	0.2%/52 S.F.	NO	0.2%/52 S.F.	NO
\$11.04.E.15	MAX. COVERAGE BY IMPROVEMENTS (12.04.G) (24,000 S.F.-39,999 S.F.)			30%/8,000 S.F.	29.4%/9,037 S.F.	ENC	30.0%/9,207 S.F.	YES
\$11.04.E.16	MAX. EAVE HEIGHT			22'	21.53'	NO	21.53'	NO
\$11.04.E.17	MIN. GARAGE SPACES			2 SPACES	3 SPACES	NO	3 SPACES	NO
\$13	ACCESSORY USES, BUILDINGS & STRUCTURES							
\$13.01.B	MIN. DISTANCE FROM PRINCIPLE BUILDING FOR GARAGE			15±	78.76'	NO	78.76'	NO
\$13.01.B	MIN. DISTANCE FROM PRINCIPLE BUILDING FOR POOL HOUSE			15(1)	N/A	NO	79.3'	NO
\$13.01.B	MIN. DISTANCE FROM PRINCIPLE BUILDING FOR SWIMMING POOL			10'	N/A	NO	31.0'	NO
\$13.01.C	MAX. GROSS FLOOR AREA (SUMMATION OF ALL ACCESSORY BUILDINGS)			750 S.F.	698 S.F.	NO	1,198 S.F.	YES
\$13.01.G.1.A	ACCESSORY STRUCTURES UP TO 500 S.F. (POOL HOUSE)							
\$13.01.G.1.A	MIN. SIDE YARD SETBACK			5'	N/A	NO	15.0'	NO
\$13.01.G.1.A	MIN. REAR YARD SETBACK			5'	N/A	NO	12.6'	NO
\$13.01.G.1.B	ACCESSORY STRUCTURES GREATER THAN 500 S.F. (GARAGE)							
\$13.01.G.1.B	MIN. SIDE YARD SETBACK			10'	10.14'	NO	10.14'	NO
\$13.01.G.1.B	MIN. REAR YARD SETBACK			10'	1.74'	ENC	1.74'	ENC
\$13.01.H	MAX. REAR YARD COVERAGE			25%	5.1%	NO	11.4%	NO
\$13.01.I	MAX. ACCESSORY BUILDING/STRUCTURE HEIGHT FOR GARAGE			15'	15±	NO	15±	NO
\$13.01.I.1	MAX. ACCESSORY BUILDING/STRUCTURE HEIGHT FOR POOL HOUSE			15'	N/A	NO	15'	NO
\$13.02.A	PERMITTED LOCATION FOR DETACHED PRIVATE GARAGE			LOCATION	REAR YARD	NO	REAR YARD	NO
\$13.02.D	REQUIREMENTS FOR PRIVATE SWIMMING POOLS							
\$13.02.D.3	PERMITTED LOCATION FOR POOL			LOCATION	REAR YARD	NO	REAR YARD	NO
\$13.02.D.3	MIN. SIDE YARD SETBACK			15'	N/A	NO	16.0'	NO
\$13.02.D.3	MIN. REAR YARD SETBACK			15'	N/A	NO	40.4'	NO
\$13.02.D.4	MAX. HEIGHT OF LIGHTING			6'	N/A	NO	WILL COMPLY	NO
\$13.02.D.5	MIN. FENCE ENCLOSURE HEIGHT			6'	N/A	NO	6'	NO
\$13.02.D.5	REQUIRED FENCE TYPE			SOLID	N/A	NO	OPEN	YES
\$13.02.I.1	MIN. SETBACK FROM ANY PROPERTY LINE FOR PATIO OR BBQ FACILITIES			5'	48.22'	NO	15' MIN.	NO

ENC - EXISTING NON-COMFORMANCE

(1) HEIGHT OF ACCESSORY POOL HOUSE = 15 FEET

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APPLICANT: FLOOD, JOHN & ALISON  
PROPERTY: 745 Highland Avenue, Block: 501/Lot: 22

STATEMENT IN SUPPORT OF SITE PLAN APPLICATION

Proposal

This statement is offered in support of the applicant's proposal to renovate and improve the following: new and remodeled patio area, addition of a pool house, inground pool, pool house and patio in pool area, side entryway and stoop, basement entry, addition of same paving stones, on lot 22 in block 501; 745 Highland Avenue. The Applicant seeks variance approval, including continuation of existing bulk variances, certain new variances and slight increases in some existing non-conformities. The Applicant owns the property, which is in the RS-24 District, and is making no changes to the existing residential use which is permitted.

The variances required for this submission are minor in nature and can be granted without substantial detriment to the public good and without substantial impairment to the intent or purpose of the Zone Plan or Zone Ordinance. For these reasons, the Applicant respectfully requests that the variance approvals be granted.

By way of summary, the previously existing variances are: (1) building height (no change); (2) maximum improvement coverage of the proposed improvements (slight increase); (3) minimum rear-setback-accessory structure (no change). New variances being proposed are: (1) maximum coverage by buildings and above-grade structures (without deck); (2) maximum improvement coverage; (3) maximum gross floor area (accessory structures), and (4) open fence vs. solid fence. The Applicant will produce expert testimony that: (1) the benefits of the project outweigh any detriments; (2) the proposal will not create any substantial detriment to neighboring properties or the public good; and (3) will not substantially impair the zoning ordinance or the zone plan.

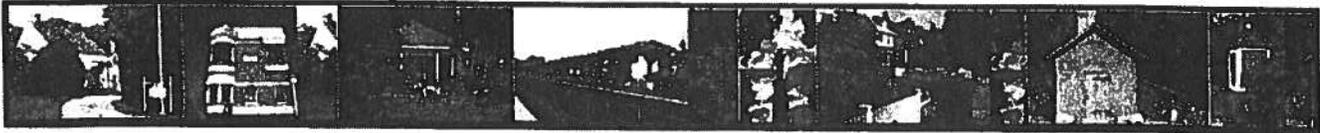
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As existing, the property presents a pleasing visual and aesthetic appearance consistent with the look and feel of the environs, and on a scale that suits the subject property. For these reasons and those Applicant's experts will provide at the hearing, the Board of Adjustment should approve the proposed improvements and variances.

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# Westfield, New Jersey



<b>Block/Lot/Qual:</b> 501. 22.	<b>Tax Account Id:</b> 567
<b>Property Location:</b> 745 HIGHLAND AVE	<b>Property Class:</b> 2 - Residential
<b>Owner Name/Address:</b> FLOOD, JOHN H IV & ALLISON LEE	<b>Land Value:</b> 946,200
745 HIGHLAND AVENUE	<b>Improvement Value:</b> 556,500
WESTFIELD, NJ 07090	<b>Exempt Value:</b> 0
	<b>Total Assessed Value:</b> 1,502,700
<b>Special Taxing Districts:</b>	<b>Additional Lots:</b> None
	<b>Deductions:</b>

Taxes Utilities

<a href="#">Make a Payment</a>		<a href="#">View Tax Rates</a>		<a href="#">View Current Bill</a>		<a href="#">Project Interest</a>	
Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2020	02/01/2020	Tax	8,077.02	0.00	0.00	0.00	PAID
2020	05/01/2020	Tax	8,077.01	8,077.01	0.00	8,077.01	OPEN
Total 2020			16,154.03	8,077.01	0.00	8,077.01	
2019	02/01/2019	Tax	7,876.89	0.00	0.00	0.00	PAID
2019	05/01/2019	Tax	7,876.88	0.00	0.00	0.00	PAID
2019	08/01/2019	Tax	8,269.63	0.00	0.00	0.00	PAID
2019	11/01/2019	Tax	8,284.65	0.00	0.00	0.00	PAID
Total 2019			32,308.05	0.00	0.00	0.00	
2018	02/01/2018	Tax	7,833.68	0.00	0.00	0.00	PAID
2018	05/01/2018	Tax	7,833.67	0.00	0.00	0.00	PAID
2018	08/01/2018	Tax	7,920.09	0.00	0.00	0.00	PAID
2018	11/01/2018	Tax	7,920.09	0.00	0.00	0.00	PAID
Total 2018			31,507.53	0.00	0.00	0.00	
Last Payment: 01/22/20							

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OWNER & ADDRESS REPORT

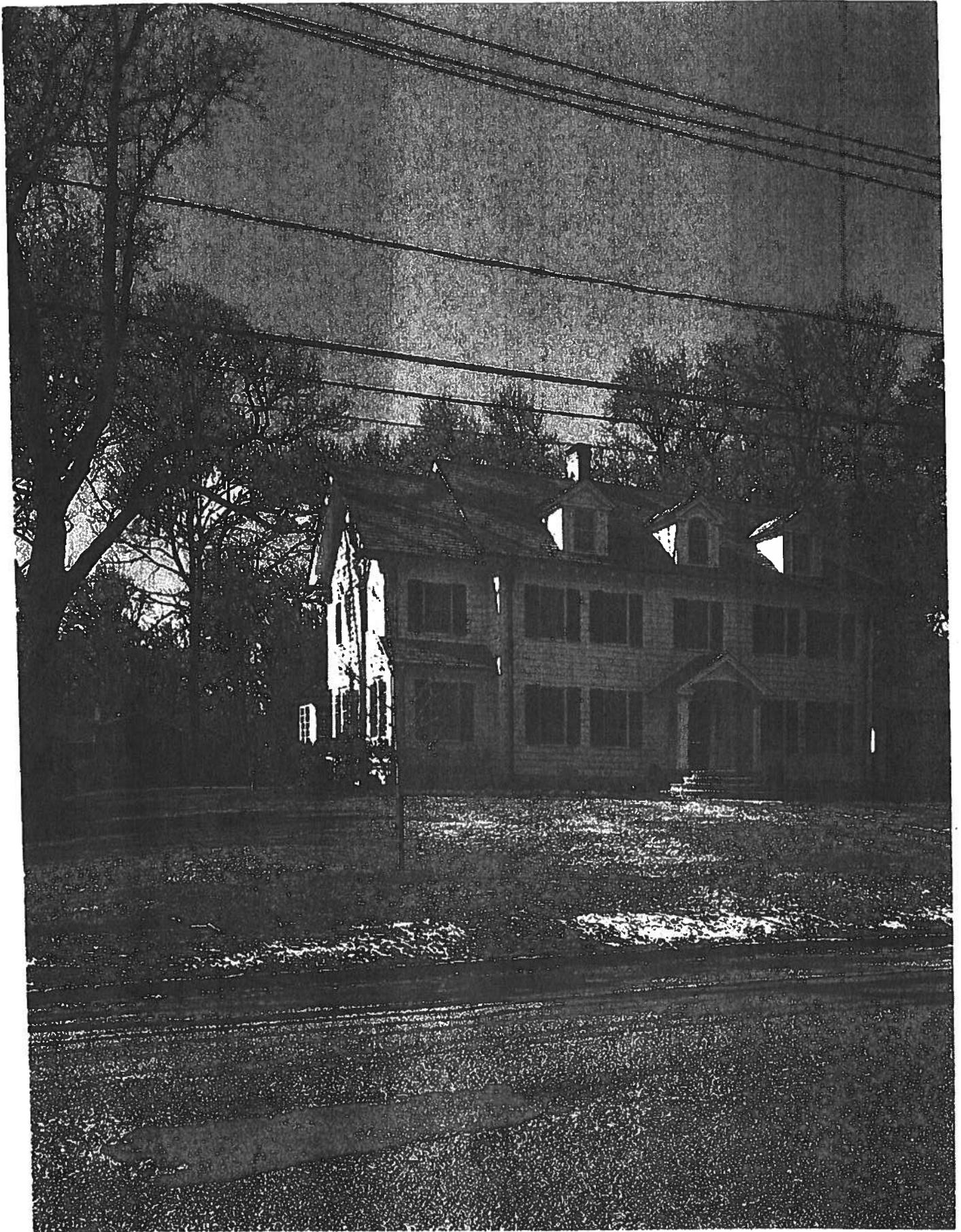
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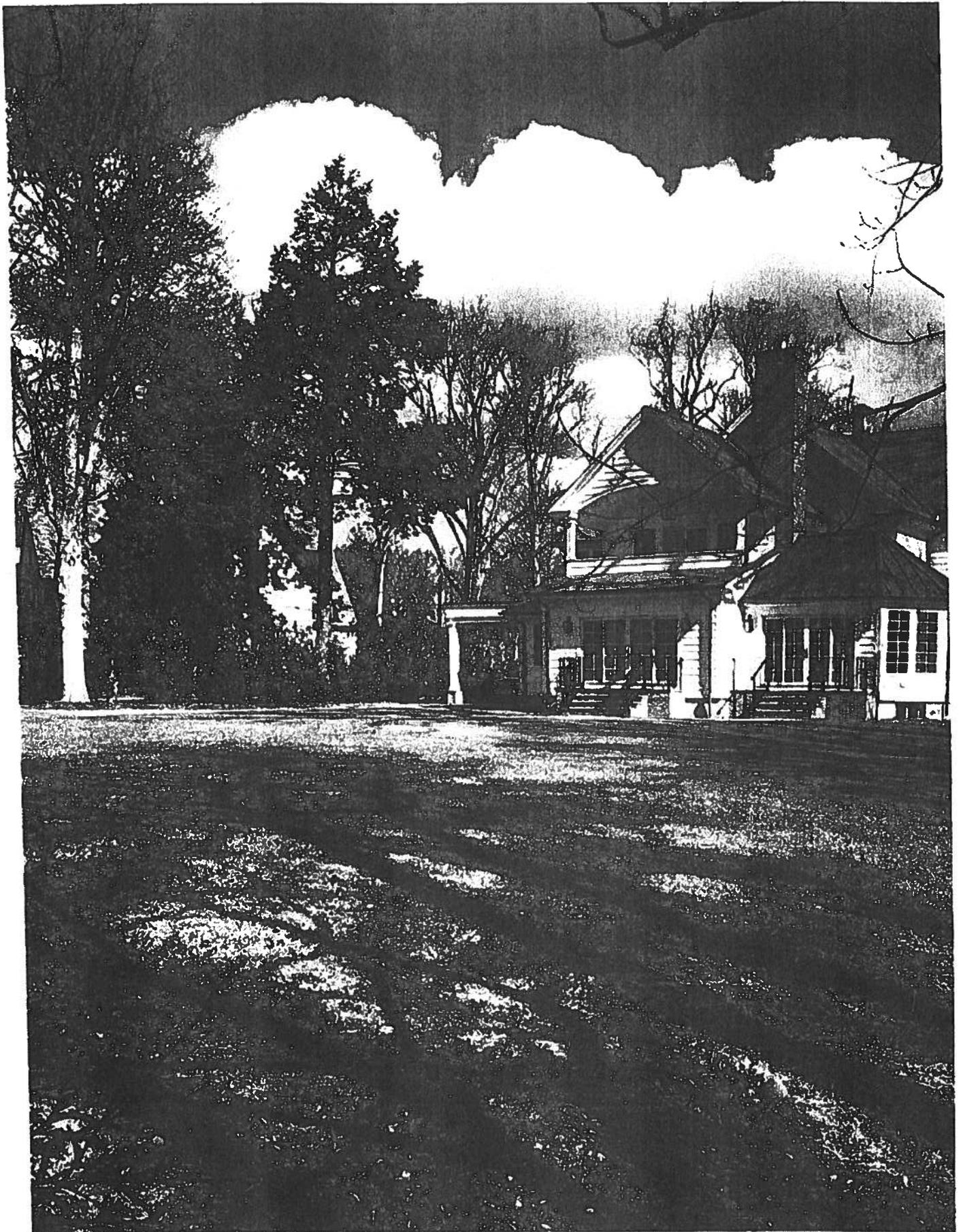
745 HIGHLAND AVE

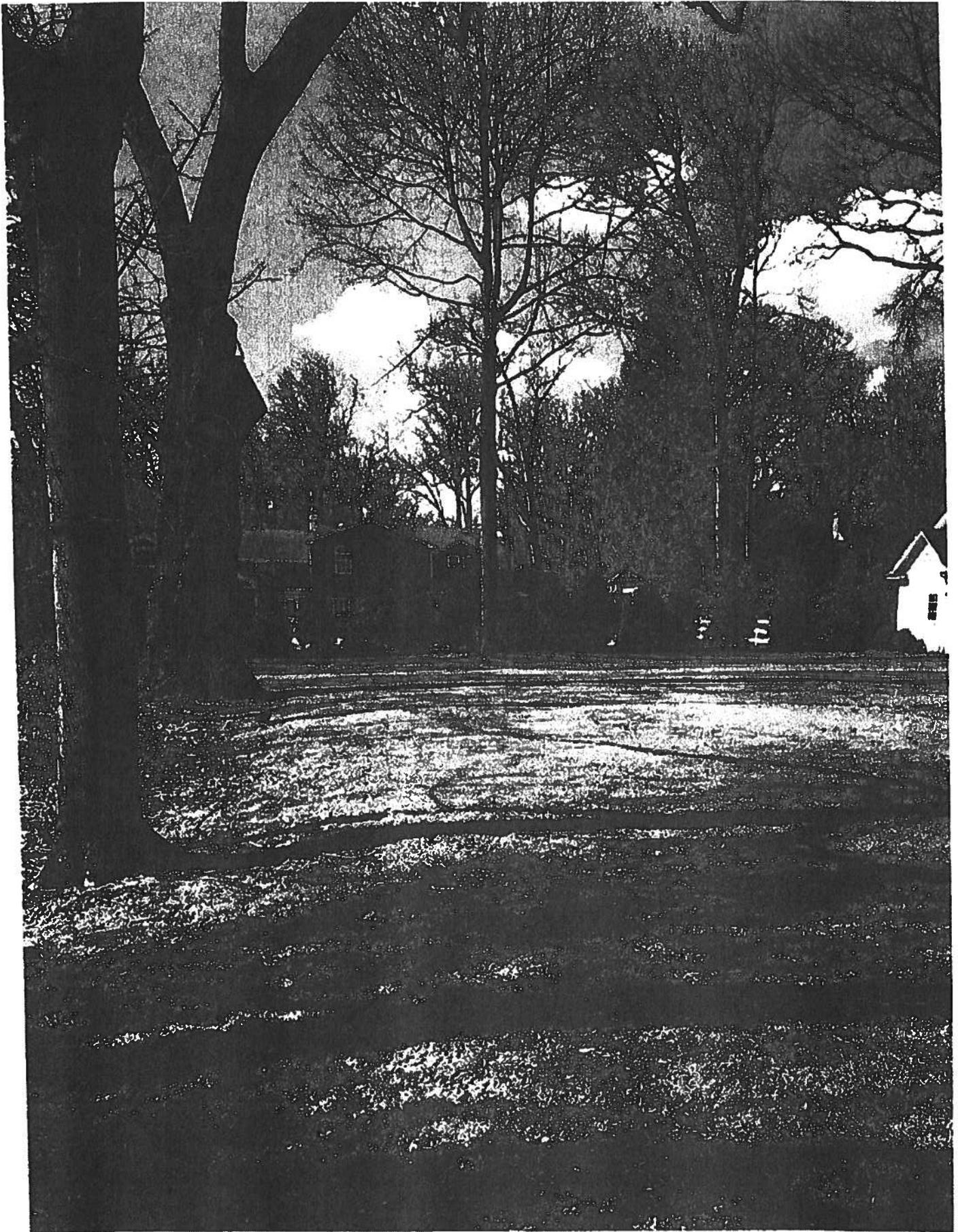
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BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
501	3		2	MANDELBLATT, GARY H & LISA H 730 LAWRENCE AVE WESTFIELD, NJ 07090	730 LAWRENCE AVE	
501	4		2	HILTWEIN, MARK & MAURA 740 LAWRENCE AVE WESTFIELD, NJ 07090	740 LAWRENCE AVE	
501	5		2	KOCAJ, STEPHEN & CHO, IRENE S 750 LAWRENCE AVE WESTFIELD, NJ 07090	750 LAWRENCE AVE	
501	6		2	VIRGINIA LUPPESCU L, LIVING TRUST 760 LAWRENCE AVE WESTFIELD, NJ 07090	760 LAWRENCE AVE	
501	7		1	EQUITIME, LLC 825 HIGHLAND AVE WESTFIELD, NJ 07090	780 LAWRENCE AVE	
501	19.01		2	MICHAEL & CATHERINE LINENBERG TRUST 825 HIGHLAND AVE WESTFIELD, NJ 07090	827 HIGHLAND AVE	
501	20.01		2	LINENBERG, MICHAEL J 825 HIGHLAND AVE WESTFIELD, NJ 07090	825 HIGHLAND AVE	
501	21		2	LEAHEY, JOAN MARIE 815 HIGHLAND AVE WESTFIELD, NJ 07090	815 HIGHLAND AVE	
501	22		2	FLOOD, JOHN HENRY IV & ALISON LEE 745 HIGHLAND AVE WESTFIELD, NJ 07090	745 HIGHLAND AVE	
501	23		2	OSTERHUS, JOHN L & BETTY 739 HIGHLAND AVE WESTFIELD, NJ 07090	739 HIGHLAND AVE	
501	24		2	MURPHY, SEAN T & CLEARY, EILEEN P 731 HIGHLAND AVE WESTFIELD, NJ 07090	731 HIGHLAND AVE	
501	25		2	GEOGHAN, JOHN & HILLARY 725 HIGHLAND AVE WESTFIELD, NJ 07090	725 HIGHLAND AVE	
503	1		2	SANTORIELLO, PETER A & JOANNE R 800 HIGHLAND AVE WESTFIELD, NJ 07090	800 HIGHLAND AVE	
503	2		2	LENTIS, ELIZABETH ANNE & NICK E 810 HIGHLAND AVE WESTFIELD, NJ 07090	810 HIGHLAND AVE	
503	3		2	ROTH, DAVID & LAUREN 814 HIGHLAND AVENUE WESTFIELD, NJ 07090	814 HIGHLAND AVE	
503	4		2	MILLMAN, ARTHUR E & FELELLA K 824 HIGHLAND AVE WESTFIELD, NJ 07090	824 HIGHLAND AVE	
511	2		2	MULDOON, ANDREW & JOANNE 720 HIGHLAND AVE WESTFIELD, NJ 07090	720 HIGHLAND AVE	

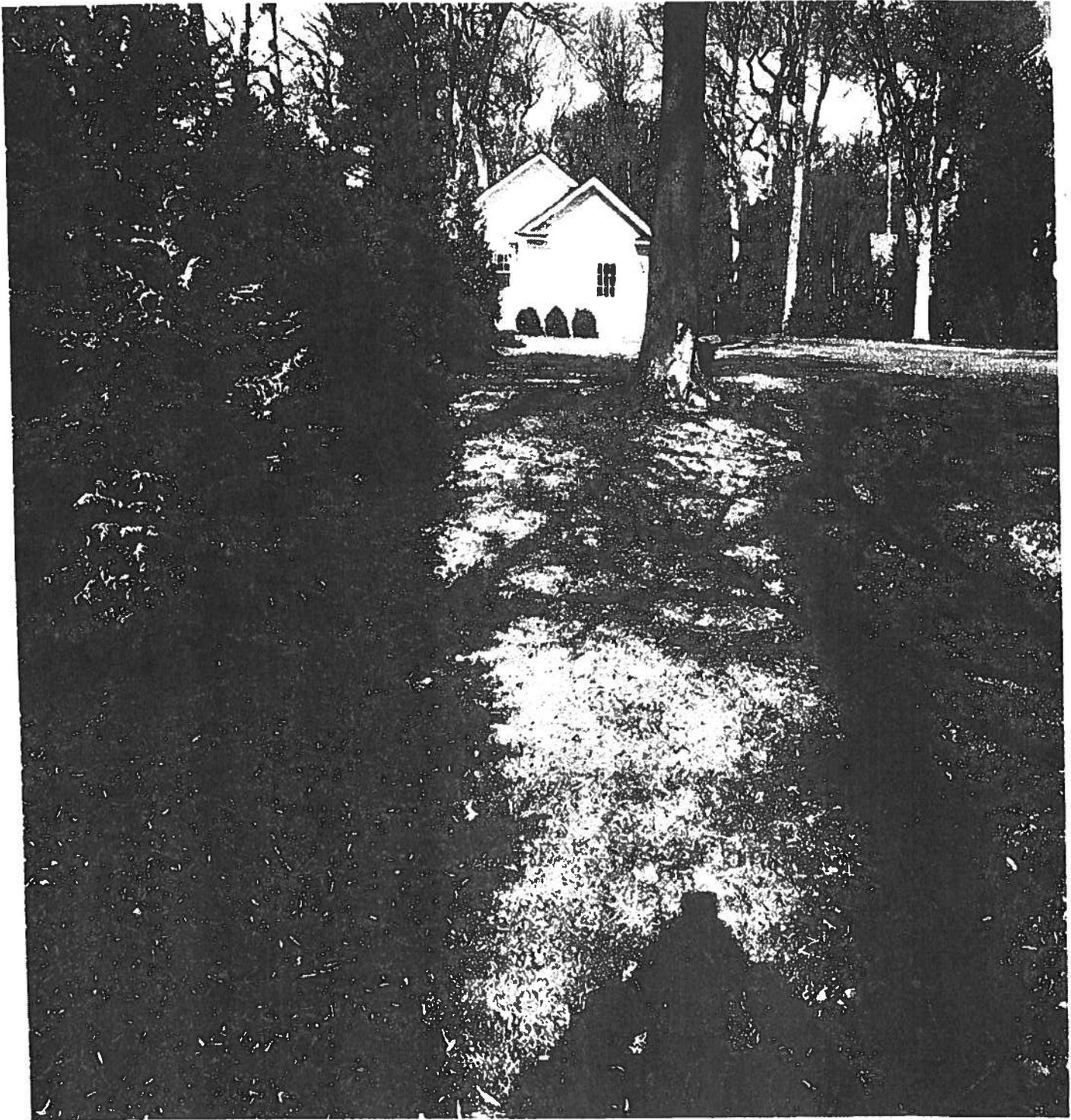












On Mar 23, 2020, at 3:47 PM, Kathleen Neville <[zoning@westfieldnj.gov](mailto:zoning@westfieldnj.gov)> wrote:

ok

On Mon, Mar 23, 2020 at 3:40 PM Stephen Hehl <[SHehl@javerbaumwurgaft.com](mailto:SHehl@javerbaumwurgaft.com)> wrote:

**APPEAL OF MARY ANNE ANTHONY  
745 HIGHLAND AVENUE**

At the regularly scheduled meeting of the Zoning Board of Adjustment for the Town of Westfield which was scheduled and took place on December 8, 2014, 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 applicant, Mrs. Anthony, and her husband appeared to present this case directly to the Board. It is noted that the applicants seek approval to expand the existing garage at the property which is contrary to the requirements of Section 13.01G1b of the Land Use Ordinance. The Ordinance requires a rear yard setback of 10 feet for this garage as an accessory structure and proposed are setbacks of 2.1 feet and 3.3 feet.

2. As part of the application materials submitted the Board acknowledged receipt of a plan entitled, "Anthony Residence, 745 Highland Avenue, Westfield, New Jersey", as prepared by Carol C. Hewit, Architect, of Westfield, New Jersey, which plan was dated October 1, 2014 and consisted of one sheet. Also submitted by the applicant was a survey of the premises prepared by William Held Associates Inc. of Westfield, New Jersey as dated 8/14/2014 showing the dwelling, the patio and deck, and the garage in question in this case.

3. The applicants explained the improvements on the property and described the current condition of their garage which they stated "is in need of repairs". The property owners located the garage in the back of the premises and indicated that they would wish to "add a third bay to the garage without going closer to the property line".

4. The applicants indicated that they had retained the project architect, Ms. Hewit, to "design the garage so that it would step back and maintain the existing setbacks and yet provide additional space for our vehicles". The Board discussed with the applicants the specifics of the expansion of the two car garage to a three car garage with the design to "extend the roofline". The Board the commended the applicants for a good plan and design.

5. The Board discussed with the applicants whether or not the garage would have any storage above where the vehicles would be kept. The applicant stated, "We will not be using this area for storage above the cars. There is no ceiling or floor on the interior of the garage that we propose."

6. The Board questioned the applicants further about whether there was any plan to extend utilities to the garage. The applicants responded, "There is only electric service as now exists, and this is all we propose."

7. The Board in review of the plans noted that the applicants had attempted in their proposal to keep the encroachment in the side yards to a minimum. Also that the applicants were complying with the height and other requirements of the Ordinance and had overall presented a good plan for this work.

8. There was no further evidence, testimony, nor any public comment offered to the Board regarding this case.

The Board finds and concludes that the expansion of this garage as now proposed is reasonably related to the continued effective use of the property as a single family residence, and not an overuse of same. Therefore this case is the appropriate subject for variance relief from the Board.

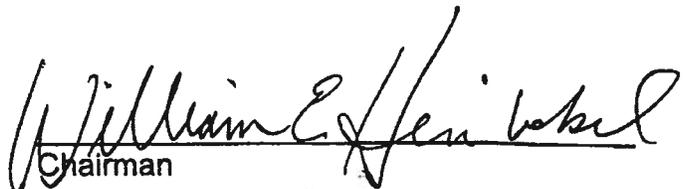
The Board finds and concludes that the property can properly accommodate the increased size of this garage without creating any negative impact for this property or for any surrounding or neighboring property owner. The Board finds the lack of negative impact to this application to be significant in granting variance relief as the Board finds there would be considerable positive benefit and advantages to the applicants from the expansion of the garage as proposed. The advantages to the applicants will come about from a renovated garage which will clearly improve the aesthetics and value of the property and will provide greater utility to the applicants in their use of the property for residential purposes. This renovated garage will provide additional space for the storage of another vehicle which will also allow a more comfortable use of the property overall for the applicants.

The Board finds the improvement of this property that will result from the garage work proposed in this case makes this case the appropriate subject for variance relief from

the Board consistent with the goals and purposes of the Land Development Ordinance and the Master Plan for the Town of Westfield.

NOW, THEREFORE, based upon all of the above, the variance request of Mary Anne Anthony for variance relief from the requirements of Section 13.01G1b of the Land Use Ordinance to allow and permit the applicant to expand the existing garage in accordance with the plans submitted to the Board in this case, which will involve and create a 2.1 and 3.3 rear yard setback for this garage as an accessory structure rather than the Ordinance requirement of a rear yard to be 10 feet for this garage, in accordance with the plans, evidence, and testimony before the Board in this case, **BE AND HEREBY IS ORDERED GRANTED AND APPROVED.** This Resolution and the applicants' further use of the property are subject to the following terms, conditions, and requirements:

1. That the applicant is to obtain building permit prior to any work at the property in accordance with the requirements for the Town of Westfield; and
2. That the construction of this garage is to be strictly in accordance with the plans submitted to the Board in this case; and
3. That following the completion of the new work allowed in this Resolution, there shall be no structure added, nor any improvement or addition made to this property which would in any way increase any non-conforming condition upon the property or which would not be in conformance with the Land Development Ordinance for the Town of Westfield without further application being submitted to this Board for permission to do so.

  
Chairman

  
Secretary

Dated: January 12, 2015