

[Handwritten scribbles]

BOA 19-48
TOWN OF WESTFIELD
APPLICATION

*4500x review 12/21/19
120 day decision
date 5/26/20*

I. Identification:

This appeal is from (applicant's name) Tamara & Tim Healey

street address 825 Standish Avenue telephone 917-674-8330

e-mail tamra.healey@gmail.com fax _____

for property in Westfield, NJ located at (street address) 825 Standish 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 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 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

10/18/19

***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.

The current house is a vintage 1930's Colonial. The scope of work to the project is to construct a rear covered porch from the existing breakfast room and remove and reconstruct a rear bluestone patio patio. The porch is to provide a covering for the intense sun in the rear yard.

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

The rear covered porch is not infringing on the current existing non-conforming setback of 6.9 feet and the current property has a sharp angle on the side yard creating an unusual shape. If the property was more rectangular, then the rear covered porch side yard setback would conform. The rear covered porch cannot be seen from the neighbors due to existing trees on one side and a fence on the opposite side. The rear covered porch is not creating any additional floor area to the current residence. The building coverage that is being added is not habitable space. The current property is under the minimum lot area requirement, therefore there would be more of an allowance for the building coverage. All details on the rear covered porch are to be similar to the existing historic front portico of the residence. The rear covered porch will be in keeping with the original fabric of the residence and feel like it was always intended to be there due to these details.

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 825 Standish Avenue

Zone district RS-12 Block No. 509 Lot No. 12

•Dimensions of lot 96.0' x 150.0' Area of lot 9845 sq. ft.

•Use of premises present Single Family Residential
proposed Single Family Residential

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 Tamra & Tim Healey Telephone No. 917-674-8330

Street address of Owner 825 Standish 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? No Yes (If you don't know, check with the Tax Assessor in the Municipal Building.)

10/18/19

•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.

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.

Tamra Healey
Signature of Applicant (in the presence of a Notary)

Print Name : Tamra ~~Healey~~ Healey _____

Sworn and Subscribed to before me this 16th day of October, 2019.

Neal Auman
Notary Public

NEAL AUMAN
Notary Public of New Jersey
ID #2165766
Commission Expires May 25, 2024

Address: 825 Standish Aven _____
Westfield, NJ 07090 _____
Home phone 917-674-8330 _____
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 Merrille
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)

RECEIVED
10/18/19

TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:

Application accepted as complete on 1/27/20

[Signature]
Signature

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:	12.04 F	Nature of Deficiency:	Current residence is over the building coverage.
	Permitted:	1,969, 20%	Present:	2,114, 21.47%
			Proposed:	2,401, 24.38%
2.	Section:	11.06 -6	Nature of Deficiency:	Existing side yard setback is through the existing residence and the setback line is on an sharp angle.
	Permitted:	12.5'	Present:	6.9'
			Proposed:	9.89'
3.	Section:		Nature of Deficiency:	
	Permitted:		Present:	Proposed:
4.	Section:		Nature of Deficiency:	
	Permitted:		Present:	Proposed:

10/8/19

5.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
5.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:

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 I	Nature of Deficiency:	Current residence is over the ^{max} building coverage.
	Permitted:	1,969, 20%	Present:	2,045 = 20.8% 2,114, 21.47%
			Proposed:	2,332 (23.7%) 2,401, 24.38%
2.	Section:	11.06 -6	Nature of Deficiency:	Existing side yard setback is through the existing residence and the setback line is on a sharp angle.
	Permitted:	12.5'	Present:	6.9'
			Proposed:	9.89'
3.	Section:	12.04 F I	Nature of Deficiency:	Max Bldg. coverage w/ front porch
	Permitted:	24%	Present:	
			Proposed:	24.3%
4.	Section:	11.06 E 14	Nature of Deficiency:	Min. Garage space required
	Permitted:	2 car garage	Present:	1 car garage
			Proposed:	1 car garage
5.	Section:		Nature of Deficiency:	
	Permitted:		Present:	Proposed:
6.	Section:		Nature of Deficiency:	
	Permitted:		Present:	Proposed:
7.	Section:		Nature of Deficiency:	



**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-12 APPLICANT: Tim & Tamra Healey: STREET ADDRESS: 825 Standish Avenue PROPOSED

REG. NO.	REGULATION	UNITS	REQUIRED	LOT No.	VARIANCE?*	LOT No.	VARIANCE?*
	Minimum gross area	sq. ft.	12,000	9845 existing			
	Minimum area within first _____ ft. of depth	ft.	Not applicable				
	Minimum width	ft.	75.0'	96.0'			
	Minimum frontage	ft.	75.0'	96.0'			
	Minimum depth	ft.	120.0'	150.0'			
	Minimum front yard (per Sections 12.03C & D & E)	ft.	40.0'	39.6'			
	Minimum Sideyard	ft.	12.5'	9.89'	*		
	" "	ft.	12.5'	19.11'			
	Minimum rear yard	ft.	35.0'	56.75'			
	Maximum building coverage (without deck)	%	1969, 20%	2,401, 24.38%	*		
	Maximum building coverage (with deck)	%	Not applicable				
	Maximum FAR or total habitable floor area	%	3200, 32.50%	4,108, 41.72%			
	Maximum building height	ft.	32.75'	12.58'			
	Maximum all improvements coverage	%	4922.5', 50%	4103, 41.67'			
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						

NOTE: This table must be consistent 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.

RECEIVED
 10/18/19

**TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY**

AFFIDAVIT OF OWNERSHIP

I, Tamra & Tim Healey _____, 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) Block 509 & Lot 15 _____

Street Address(es) 825 Standish Avenue _____

Check one:

1. 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: Tim & Tamra Healey _____

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

Tamra Healey
(Signature of Owner/Officer of Owner)

Sworn and subscribed to
before me on this 16th
day of October, 2019.

Neal Auman

Notary Public
NEAL AUMAN
Notary Public of New Jersey
ID #2165766
Commission Expires May 25, 2024

RECEIVED
10/18/19

[Add](#) [Edit](#) [Close](#) [Delete](#) [Previous](#) [Next](#) [Detail](#) [Letter](#) [Help](#)

Block: 509
Lot: 15

Qualifier:
 Owner: HEALEY, TIMOTHY R.
 Prop Loc: 825 STANDISH AVE

Account Id: 00000000
 Tax Bill PTR Form Restricted Edit

Notes Exist

Year	Qtr	Type	Billed	Principal Balance	Deductions	Balance	All Charges	Advs/Omit	Notes
2020	2		4,721.94	4,721.94					
2020	3		4,721.94	4,721.94					
2020		Total	9,443.88	9,443.88					
2019	4		3,414.51	3,414.51					
2019	3		3,405.73						
2019	2		6,058.75						
2019	1		6,035.76						
2019		Total	18,837.75	3,414.51					
2018	4		6,066.85						
2018	3		6,066.85						

Other Delinquent Balances: .00 Interest Date: 10/16/19 Interest Detail: Interest Detail
 Other APR2 Threshold Amt: .00 Per Diem: .0000 Last Payment Date: 08/01/2019

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 11-1-19
 ANY QUESTIONS, CALL 900-709-4651

Tax Collector
[Signature]

RECEIVED
 10/18/19

OWNER & ADDRESS REPORT

WESTFIELD

825 STANDISH AVE

10/24/19 Page 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
504	1		2	ASLANIAN, CHRISTOPHER A & ERINA A 806 CEDAR TERR WESTFIELD, NJ 07090	806 CEDAR TERR	
504	2		2	RUPRECHT, THOMAS H & LORRAINE M 814 CEDAR TERR WESTFIELD, NJ 07090	814 CEDAR TERR	
505	1		2	ADRIAENS, FRANCES & LIEVE 901 MOUNTAINVIEW CIRCLE WESTFIELD, NJ 07090	901 MOUNTAIN VIEW CIR	
508	2		2	HOFFMAN, CHRISTIAN & JANE 834 STANDISH AVE WESTFIELD, NJ 07090	834 STANDISH AVE	
509	8		2	LEVITT, STEVEN & DANIELLE 864 BRADFORD AVE WESTFIELD, NJ 07090	864 BRADFORD AVE	
509	9		2	ANZEVINO, ANTHONY T & LISA 870 BRADFORD AVE WESTFIELD, NJ 07090	870 BRADFORD AVE	
509	10		2	ENRIGHT, JOHN & DANIELA 880 BRADFORD AVENUE WESTFIELD, NJ 07090	880 BRADFORD AVE	
509	12		2	LAMBERT, WILLIAM E & BETH ANN 819 CEDAR TERR WESTFIELD, NJ 07090	819 CEDAR TERR	
509	13		2	EMANY, SRAVAN & BETH 811 CEDAR TERRACE WESTFIELD, NJ 07090	811 CEDAR TERR	
509	14		2	REYNOLDS, ALEXANDER C & LAURA 803 CEDAR TERR WESTFIELD, NJ 07090	803 CEDAR TERR	
509	15		2	HEALEY, TIMOTHY R & TAMRA Y 825 STANDISH AVE WESTFIELD, NJ 07090	825 STANDISH AVE	
509	16.01		2	BORLENGHI, MALCOLM L-FAMILY TRUST PO BOX 1856 CRANFORD, NJ 07016	819 STANDISH AVE	
509	17.01		2	GASPARD, HIEDE A & JEAN-PAUL 815 STANDISH AVE WESTFIELD, NJ 07090	815 STANDISH AVE	
509	18		2	JOHNSTON, ROBERT S, JR & IRENE C 565 BIRCH AVE WESTFIELD, N J 07090	801 STANDISH AVE	
509	19		2	SHEPHERD, PETER M & DENISE C 555 BIRCH AVE WESTFIELD, NJ 07090	555 BIRCH AVENUE	
509	20		2	MENNONA, NICHOLAS K & VIRGINIA G 549 BIRCH AVE WESTFIELD, NJ 07090	549 BIRCH AVENUE	
1201	2		2	MADARA, DANIEL & KIMBERLY 806 STANDISH AVE WESTFIELD, NJ 07090	806 STANDISH AVE	
1201	3		2	WIDELL, GEOFFREY M & MORNA A 814 STANDISH AVE WESTFIELD, NJ 07090	814 STANDISH AVE	
1201	4		2	MORGAN, THOMAS P & JEAN MARIE 820 STANDISH AVE WESTFIELD, NJ 07090	820 STANDISH AVE	

OWNER & ADDRESS REPORT

WESTFIELD

825 STANDISH AVE

10/24/19 Page 2

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
1201	5		2	SOMNOLET, MARC & MARGARITA 824 STANDISH AVE WESTFIELD, N J 07090	824 STANDISH AVE	
1201	6		2	FORTINO, FRANK & CAMILLE 1 PRISCILLA LANE WESTFIELD, NJ 07090	807 MOUNTAIN AVE	

**APPEAL OF ROBERT SIEGEL AND DEBORAH SOKOL
825 STANDISH AVENUE**

At the meeting of the Board of Adjustment held on July 14, 1997, 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. Applicant sought permission to erect a second story addition contrary to the requirements of Article 10, Section 1011, Paragraph E, Subparagraph (3) of the Land Use Ordinance. A variance is required because the side yard setback would be 9.39 feet rather than the 15 feet required by the Ordinance.

2. Applicant submitted plans prepared by Barbara Vincentsen, dated June 16, 1997, detailing the proposal.

3. Applicant testified that he proposes to erect a second story addition to extend the master bedroom on the second floor over the existing first floor den. Applicant indicated that the 9.39 foot side yard is a pre-existing non-conformity, which would be extended at the second story level, noting that no footprint changes are proposed for the property.

4. The Board indicated that it could look with favor upon the applicant's proposal noting that the deficient side yard is a pre-existing non-conformity, which would merely be extended at the second story level. The Board further recognized that no footprint changes were proposed.

5. Accordingly, the Board determined that the granting of the variance would permit the Applicant to use the property in a manner that is not detrimental to the area and that it would not substantially change the characteristics of the area nor adversely affect the value of properties in the area.

6. The Board also determined that the application could be granted without substantial detriment to the public good and that it would not impair the intent and purpose of the zoning plan and Land Use Ordinance. The Board further noted that no objectors appeared.

Based upon the above, the Board **RESOLVED** that the application of **ROBERT SIEGEL AND DEBORAH SOKOL** for permission to erect a second story addition contrary to the requirements of Article 10, Section 1011, Paragraph E, Subparagraph (3) of the Land Use Ordinance is hereby unanimously **GRANTED** (with Chairman Mannino, Messrs. Phelan, Wilt, Kelly, Palatucci and Haas and Mrs. Molowa voting in the affirmative) subject to the following conditions:

1. Construction shall be as indicated on the plans submitted to the Board.
2. The exterior of the proposed addition shall conform with the exterior of the existing structure.

**APPEAL OF GEORGIA AND BLAIR LEHNERT
825 STANDISH AVENUE**

At the meeting of the Board of Adjustment held on November 13, 2000, 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. Applicants sought permission to erect a second floor addition contrary to the requirements of Section 11.06, Paragraph E.6 of the Land Use Ordinance. A variance is required because the proposed minimum interior side yard would be 9.39 feet and 9.55 feet rather than the 15 feet required by the Ordinance.

2. Applicants submitted plans prepared by Klesse Associates, P.A., who maintains an office in Short Hills, New Jersey, dated September 12, 2000.

3. The Applicants, Mr. and Mrs. Lehnert appeared at the November 13, 2000 meeting of the Board of Adjustment. Mr. Lehnert testified that they have recently purchased the house and that the house has only one (1) bathroom currently.

4. The Applicants' architect, Timothy Klesse, testified indicating that the lot is an irregularly shaped lot and is undersized, having dimensions of 9,800 square feet rather than the 12,000 square feet required under the Ordinance.

5. He testified that the Applicants are proposing to construct an addition on the second floor over the left side of the house which would allow for the installation of a second floor bathroom. In addition, he testified that the Applicants are also proposing renovating in the attic which would include the construction of a bathroom and bedroom.

6. Mr. Klesse testified that a side yard setback variance would be required due to the second floor addition, indicating that a side yard setback variance of 9.39 feet would be required rather than the 15 feet required under the Ordinance.

7. Based upon the testimony presented and in light of the fact that the Applicants' house currently has only one (1) bathroom, the Board determined that the granting of the variance would permit the Applicants to use the property in a manner that is not detrimental to the area and that it would not substantially change the characteristics of the area, nor adversely affect the value of properties in the area.

8. The Board also determined that the Application could be granted without substantial detriment to the public good and that it would not impair the intent and purpose of the zoning plan and land use ordinance.

Based upon the above, the Board **RESOLVED** that the Application of **GEORGIA AND BLAIR LEHNERT**, seeking permission to erect a second floor addition contrary to the requirements of Section 11.06, Paragraph E.6 of the Land Use Ordinance, is hereby **GRANTED** (with Chairman Mannino, Vice Chairman Wilt, Messrs. Kelly, deBrueys, Heinbockel and Haas and Mrs. Molowa voting in the affirmative) subject to the following conditions:

1. The exterior of the addition shall be in conformity with the appearance of the house.

APPEAL OF BLAIR AND GEORGIA LEHNERT
825 Standish Avenue

At the meeting of the Zoning Board of Adjustment which took place and was held on February 14, 2005, 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 with their project architect to present their case to the Board. It is noted that the applicants are seeking permission to erect an addition for their single-family residence upon the property. This proposed construction is contrary to the requirements of Section 11.06E6, 12.04F1, and 12.04E1 of the Land Use Ordinance. The Ordinance requires a minimum side yard setback of 15 ft. for this property and in this case 5 ft. is being proposed. Also the Ordinance requires maximum allowable building coverage of 20% for this property and in this case 20.2% coverage is being proposed. Finally, the Ordinance requires a maximum allowable habitable floor area of 35% - 3,200 sq. ft. for this property and in this case 34.4% - 3,383 sq. ft. is being proposed.
2. The project architect explained the proposed addition to the Board as part of the ongoing improvement of the property that the applicants had been undertaking in the six years that they have been the owners of same.
3. The applicants explained that they have no eat-in kitchen at the house at the present time and that the lack of this eat-in kitchen and no bathroom or powder room on the first floor of the residence was a problem for them and their two children in the proper use and enjoyment of the home.
4. The project architect explained the plans for the proposed addition and the sheets showing the construction were marked into evidence before the Board.
5. The project architect explained that the proposed construction would remove the existing 1 ¼ car garage on one side of the house which would be replaced by a new garage on the other side of the residence. The floor plan for the eat-in kitchen and mud room on the first floor and

construction of a second floor bedroom were explained by the project architect to the Board.

6. The project architect explained that the construction of this addition would have limited impact on the neighbors closest to these improvements as the closest property which would be affected by this proposed construction was a piece of property which was not subject to further development.
7. The project architect further explained that due to the configurations of the applicant's lot in comparison to the neighboring owner's property that this addition would "clean up the neighboring owner's back yard" and be a considerable improvement to the premises meanwhile not affecting the streetscape for the residence.
8. After once again emphasizing that the applicants have an irregularly shaped piece of property the project architect explained that the addition was in scale with the residence and would be constructed so that it would appear to have always been part of the home. The floor area ratio variance which was required in connection with this case was also explained - discussed by the project architect with the Board.
9. The Board Chairman noted that the removal of the garage and relocation of same to the other side of the premises was not only an improvement to the use and functioning of the home for the applicants but also a benefit to the neighboring owner as well. The Board also felt it was very significant in this case that the property most closely affected by distance from this proposed construction would not have the capability of any construction or development in close proximity to the applicants' residence so that sufficient buffering would still be maintained. The Board also noted as being a positive factor in this case that the applicants' proposed construction in this case would remove blacktop in the back of the residence and create a grassy and useable back yard for the applicants which would also be an aesthetic improvement for the property.
10. There was no opposing testimony, evidence nor further arguments heard by the Board in connection with this case.

Based upon all of the above, the Board finds and concludes that the construction of these improvements is reasonably related to the continued effective use of the property as a single-family residence. Also that the construction of these improvements is not an overuse of the property.

The Board further finds and concludes that the construction of these improvements would cause and create immediate positive

benefits and advantages to the applicants and the Board can find no negative impact nor any detriment whatsoever that the Board can find in connection with this case so that variance approval is clearly appropriate to issue.

Based upon all of the above, the variance request of Blair and Georgia Lehnert from the requirements of Sections 11.06E6, 12.04F1, and 12.04E1 of the Land Use Ordinance to allow and permit the construction of an addition for the residence which will involve and create a side yard setback of 5 ft. rather than the Ordinance requirement of a 15 ft. side yard setback, maximum allowable building coverage of 20.2% rather than the Ordinance maximum of 20% coverage, and with maximum allowable habitable floor area of 3,383 sq. ft. rather than the Ordinance maximum of 3,200 sq. ft. in accordance with the plans, testimony and evidence before the Board in this case **BE AND HEREBY ARE ORDERED GRANTED AND APPROVED**. This approval is subject to the following conditions that will apply to this resolution:

1. That the construction is to be in accordance with the plans and the existing building materials and aesthetics for the home; and
2. That a building permit is to be obtained prior to any work at the property in accordance with the requirements of the Town of Westfield.


Chairman


Secretary

Dated: March 14, 2005