

**FLORENCE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

**RESOLUTION NO. Z.B.-2017-12**

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF MICHAEL POTPINKA  
IMPERVIOUS LOT COVER  
VARIANCE  
BLOCK 38 LOTS 7.01 & 13  
IN THE RA LOW DENSITY RESIDENTIAL  
ZONING DISTRICT  
APPROVAL**

**Decided: May 1, 2017**  
**Resolution Memorialized: June 1, 2017**

**WHEREAS**, Michael Potpinka made application to the Florence Township Zoning Board of Adjustment for an impervious lot coverage variance to permit construction of a 15 ft. x 24 ft. partially above-ground pool and surrounding deck, and a new 10 ft. x 16 ft. shed, as well as a rear yard setback variance for the proposed deck, at a property located at 333 west Fourth Street, and known on the official Tax Map of the Township of Florence as Block 38, Lots 7.01 and 13;

**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 May 1, 2017 regular meeting;

**WHEREAS**, Mr. Potpinka appeared before the Board *pro se*, was sworn, and offered his 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 333 west Fourth Street, and known on the official Tax Map of the Township of Florence as Block 38, Lots 7.01 and 13, and therefore has standing to bring this application before the Board.
2. Application has been made for an impervious lot coverage variance to permit construction of a 15 ft. x 24 ft. partially above-ground pool and surrounding deck, and a new 10 ft. x 16 ft. shed.
3. Application has also been made for a rear yard setback variance to allow the proposed deck to be only 10 ft. from the rear property line when it is required to be set back 35 ft. from the rear line because it is attached to the dwelling and therefore subject to the standards applicable to principal structures.
4. The subject property is an existing conforming lot of 11,000 sq. ft.. Existing lot coverage is approximately 26 %, permitted lot coverage is 25% (with 5% swimming pool bonus) and proposed lot coverage is 34%.
5. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
6. 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 plan dated March 22, 2017 entitled "Plan of Survey of Block 38 Lots 7.01 and 13" prepared by Avi Luzon, PLS , which shows the property outbounds and the locations of existing improvements, that had been

annotated by the applicant to show the location and extent of the proposed improvements;

7. The Board's Engineer, Andrew Banff, PE, CME, of the Maser Consulting, submitted a review letter commenting upon the application dated April 25, 2017, which is hereby incorporated into the record.
8. Based upon the testimony of the applicant, which the Board accepts as credible, numerous other properties in the area have similar improvements, and there are no existing problems with runoff on the subject or adjoining properties. The proposed deck cannot be placed in a conforming location due to the placement of the existing dwelling. If the deck were not attached to the house, the proposed 10 ft. rear yard setback would be conforming. The Board Engineer concurred that the proposed grading will maintain existing flow patterns and does not appear to present any significant issues.
9. No public comment was offered concerning the application.

Conclusions of Law:

The Board finds that the proposed impervious lot coverage and rear yard setback variances can be granted pursuant to NJSA 40:55D-70(c)(2), because the pool is an amenity which is common within the neighborhood of the subject property, and the benefit to the overall community of adding this amenity to this property as well substantially outweighs any detriments which could flow from the proposed deviations from strict application of the ordinance standards. In light of the conditions of approval to be set forth below, any detriment to the public good or zone plan which could result from the proposed is minimal. Therefore, the Board finds it appropriate, subject to appropriate conditions, to grant the requested variance.

**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 Michael Potpinka seeking an impervious lot coverage variance to permit construction of a 15 ft. x 24 ft. partially above-ground pool and surrounding deck, and a new 10 ft. x 16 ft. shed, as well as a rear yard setback variance for the proposed deck, at a property located at 333 west Fourth Street, and known on the official Tax Map of the Township of Florence as Block 38, Lots 7.01 and 13, be, and hereby is, **APPROVED**, subject to the following conditions:

1. No additional stormwater shall be directed toward adjoining properties as a result of the proposed development; and to assure this, a detailed grading plan in accord with Township ordinance requirements shall be submitted prior to issuance of any construction permits;
2. The proposed pool location shall be staked out by a licensed surveyor prior to construction to assure that the pool is properly located in accord with this approval.
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:**

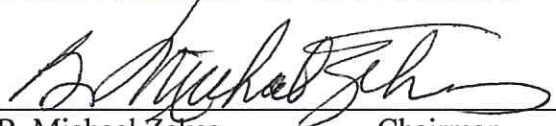
Moved by : Patel  
Seconded by : Buddenbaum  
In Favor : Buddenbaum, Lutz, Drangula, Patel, Sovak, Mattis, Zekas  
Opposed : None  
Recused : None  
Absent : Cartier

**MOTION TO ADOPT RESOLUTION:**

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

**FLORENCE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

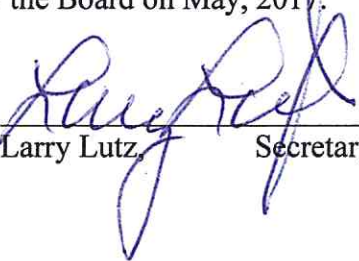
Dated: 1 Jun 17

  
B. Michael Zekas, 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 June 1, 2017 and memorializes a decision taken by the Board on May, 2017.

Dated: 6/01/2017

  
Larry Lutz, Secretary