

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2017-10

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF NATHAN and JOELYNN TOMPKINS
IMPERVIOUS LOT COVER
FRONT YARD SETBACK
VARIANCES
BLOCK 156.09 LOT 9
IN THE RA LOW DENSITY RESIDENTIAL
ZONING DISTRICT
APPROVAL**

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

WHEREAS, Nathan and Joelynn Tompkins made application to the Florence Township Zoning Board of Adjustment for impervious lot coverage and front yard setback variances to permit construction of an 18 ft. x 40 ft. L-shaped in-ground pool with a 3 ft. wide apron, at a property located at 301 Pigott Drive, and known on the official Tax Map of the Township of Florence as Block 156.09, Lot 9;

WHEREAS, the applicants are the owners 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 April 3, 2017 regular meeting;

WHEREAS, the Board granted the applicants' request that the public hearing be adjourned to the Board's May 1, 2017 regular meeting without further mailed or published hearing notices in order for the applicants to provide additional proofs for review by the Board;

WHEREAS, at the Board's May 1, 2017 meeting, the public hearing on the application was re-opened, and Mr. and Mrs. Tompkins appeared before the Board *pro se*, were sworn, and offered their testimony in support of the application;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicants are the owners of the subject property located at 301 Pigott Drive, and known on the official Tax Map of the Township of Florence as Block 156.09, Lot 9, and therefore have standing to bring this application before the Board.
2. Application has been made an impervious lot coverage variance to permit construction of an 18 ft. x 40 ft. L-shaped in-ground pool with a 3 ft. wide concrete apron.
3. The subject property is an existing conforming lot of 13,139 sq. ft. that is located at the corner of Seaman and Pigott Drives. Existing lot coverage is approximately 21.81 %, permitted lot coverage is 25% (with 5% swimming pool bonus) and proposed lot coverage is 33.21%.
4. Because the subject property is a corner lot, it has two front yards. The setback from Pigott Drive is conforming. The proposed pool is proposed to be located 24 ft. from the Seaman Drive right-of-way when the required setback from this "front" yard is 25 ft.
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 entitled "Pool Grading Plan, prepared for, Block 156.09 Lot 9", which shows the property outbounds, and the locations of existing and proposed improvements, including the location and extent of the proposed pool and concrete surround;
7. The Board's Engineer, Andrew Banff, PE, CME, of the Maser Consulting, submitted a review letter commenting upon the application dated April 20, 2017, which is hereby incorporated into the record.
8. Based upon the testimony of the applicants, 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. Placing the pool and surround closer to the existing dwelling to eliminate the requested 1 ft. front yard setback variance would potentially interfere with future improvements for purposes of handicapped access to the dwelling. 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 front 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 Nathan and Joelynn Tompkins seeking impervious lot coverage and front yard setback variances to permit construction of an 18 ft. x 40 ft. L-shaped in-ground pool with a 3 ft. wide apron, at a property located at 301 Pigott Drive, and known on the official Tax Map of the Township of Florence as Block 156.09, Lot 9, 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:

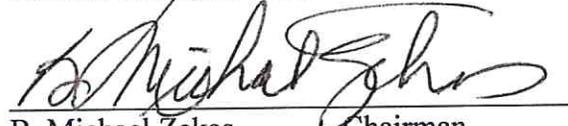
Moved by : Buddenbaum
Seconded by : Lutz
In Favor : Buddenbaum, Lutz, Drangula, Patel, Sovak, Mattis, Zekas
Opposed : None
Recused : None
Absent : Cartier

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**

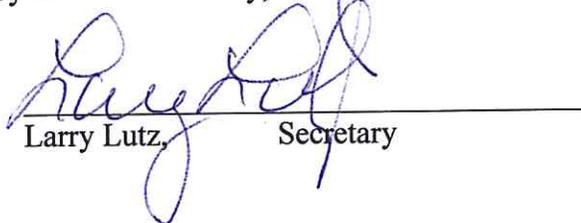
Dated: 1 JUNE 17


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