

**FLORENCE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

**RESOLUTION NO. Z.B.-2017-17**

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF RYAN LEE  
FRONT YARD SETBACK  
IMPERVIOUS LOT COVER  
VARIANCES  
BLOCK 82 LOTS 2.01 & 2.02  
IN THE RA LOW DENSITY RESIDENTIAL  
ZONING DISTRICT  
APPROVAL**

**Decided:** September 7, 2017  
**Resolution Memorialized:** October 2, 2017

**WHEREAS**, Ryan Lee has made application to the Florence Township Zoning Board of Adjustment for a front yard setback and impervious lot coverage variances to permit construction of a new single-family dwelling, at a property located at 525 East Sixth Street, and known on the official Tax Map of the Township of Florence as Block 82, Lots 2.01 & 2.02;

**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 September 7, 2017 regular meeting;

**WHEREAS**, Mr. Lee 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 525 East Sixth Street, and known on the official Tax Map of the Township of Florence as Block 82, Lots 2.01 & 2.02, and therefore has standing to bring this application before the Board.
2. Application has been made for a front yard setback variance to allow the proposed new dwelling to be only 16.33 ft. from the right of way line of East Sixth Street and (as amended in the course of the public hearing to include a driveway that will be up to 15 ft. wide and 40 ft. deep) an impervious lot coverage variance to allow the house and accessory improvements (including driveways and walkways to cover up to 25% of the total lot area of the property. A front yard setback of 25 ft. is required and a maximum of 20% impervious cover (plus 5 % for swimming pools and other accessory structures) is permitted.
3. If consolidated into a single lot, the subject property is an existing conforming lot of 10,000 sq. ft.
4. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
5. 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 sketch plan prepared by Robins Associates dated 3/22/17 entitled "Plan of Survey for Kenneth Ridgway, Jr. Block 82, Lot 2.01 & 2.02" , which shows the property outbounds, the locations of existing improvements, and the location and extent of the proposed improvements;

- f. Architectural elevations of the proposed dwelling;
  - g. A series of elevation drawings of the proposed dwelling introduced and accepted into evidence in the course of the public hearing as Exhibits A-1 through A-4;
  - h. Plan views of the first and second floor of the proposed new dwelling introduced and accepted into evidence in the course of the public hearing as Exhibits A-5 and A-6;
  - i. A series of photographs of adjoining and nearby properties introduced and accepted into evidence in the course of the public hearing as Exhibit A-7.
6. The Board's Engineer, Andrew Banff, PE, CME, of the Maser Consulting, submitted a review letter commenting upon the application dated August 31, 2017, which is hereby incorporated into the record.
  7. A shed shown on the submitted survey has been demolished.
  8. Based upon the testimony of the applicant, which the Board accepts as credible, numerous other properties in the same block have similar or lesser setbacks and intensities of improvement, and there are no existing problems with runoff on the subject or adjoining properties. The proposed location of the dwelling toward the front of the subject property will allow for a more functional rear yard area for recreation and family activities.
  9. The Board Engineer concurred that the proposed grading will maintain existing flow patterns and does not appear to present any significant issues.
  10. No public comment was offered concerning the application.

Conclusions of Law:

The Board finds that the proposed front yard setback and impervious lot coverage variances can be granted pursuant to NJSA 40:55D-70(c)(2), because the proposed setback is will allow for a more functional rear yard, and, since the setback is similar to other houses on the same block, there will be minimal detriment to the public good. Similarly the proposed impervious lot coverage variance will merely allow for development that is consistent with nearby properties and is a minimal deviation from the applicable standard. The benefits of these proposed deviations substantially outweigh any detriments to the public good or zone plan. Therefore, the Board finds it appropriate, subject to appropriate conditions, to grant the requested variances.

**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 Ryan Lee seeking front yard setback and impervious lot coverage variances to permit construction of a new single-family dwelling, at a property located at 525 East Sixth Street, and known on the official Tax Map of the Township of Florence as Block 82, Lots 2.01 & 2.02, be, and hereby is, **APPROVED**, subject to the following conditions:

1. The applicant shall consolidate the two lots into a single lot.
2. The foundation of the demolished accessory building shall be removed.
3. 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.
4. Any proposed driveways or walkways shall be shown on the grading plan.
5. 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;
6. All taxes and escrow fees for professional review must be paid current and in full.
7. 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:**

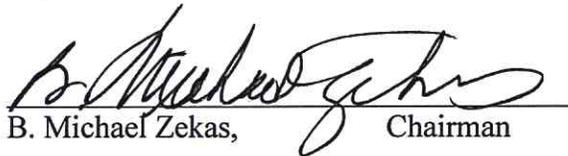
Moved by : Lutz  
Seconded by : Buddenbaum  
In Favor : Buddenbaum, Cartier, Lutz, Drangula, Patel, Zekas  
Opposed : Sovak,  
Recused : None  
Absent : None

**MOTION TO ADOPT RESOLUTION:**

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

**FLORENCE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

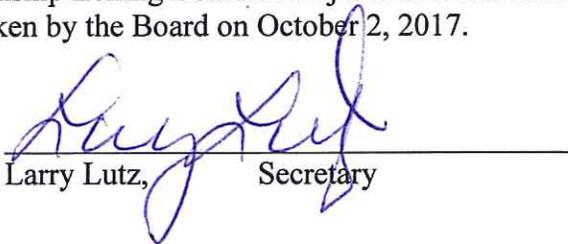
Dated: 10/2/17

  
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 September 7, 2017 and memorializes a decision taken by the Board on October 2, 2017.

Dated: 10/02/2017

  
Larry Lutz, Secretary