

**FLORENCE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

**RESOLUTION NO. Z.B.-2018-11**

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF ANJANEYA MODUGU  
REAR YARD SETBACK  
VARIANCE  
BLOCK 165.04 LOT 51  
IN THE R LOW DENISTY RESIDENTIAL  
ZONING DISTRICT  
APPROVAL**

**Decided: October 1, 2018**  
**Resolution Memorialized: December 3, 2018**

**WHEREAS**, Anjaneya Modugu has made application to the Florence Township Zoning Board of Adjustment for a rear yard setback variance to permit construction of a deck, at a property located at 218 Leffler Circle, and known on the official Tax Map of the Township of Florence as Block 165.04, Lot 51;

**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 October 1, 2018 regular meeting;

**WHEREAS**, the applicant and Usha Rani Yerreddu appeared before the Board, 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 applicant is the owner of the subject property located at located at 218 Leffler Circle, and known on the official Tax Map of the Township of Florence as Block 165.04, Lot 51, and therefore has standing to make this application to the Board.
2. Application has been made for a rear yard setback variance to permit construction of a deck on the existing single-family dwelling that would be only 40 ft. from the rear property line when a setback of 50 ft. is required and a setback of more than 50 ft. exists.
3. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
4. 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 view of the proposed new deck introduced and accepted into evidence in the course of the public hearing as Exhibit "A-1";
  - f. A perspective rendering of the proposed new deck introduced and accepted into evidence in the course of the public hearing as Exhibit "A-2";
  - g. A series of photographs of the existing dwelling showing some of the constraints that require placement of a proposed deck at the rear of the dwelling introduced and accepted into evidence in the course of the public hearing as Exhibit "A-3";
  - h. A survey plan prepared by Richard S. Zinn dated 11/28/2017, which shows the property outbounds and the locations of existing improvements, and which has been annotated by the applicant to show the location and extent of the proposed improvements.

5. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter commenting upon the application dated September 12, 2018, which is hereby incorporated into the record.
6. The lands to the rear of the subject property are presently an undeveloped farm field.
7. The subject lot is conforming with regard to relevant bulk standards but is located at a curve in Leffler drive, so the lot has an irregular shape. This irregular shape makes the building envelope shallower than is typical in this development, and the dwelling has been squarely aligned with the side lot lines and within the permitted building envelope.
8. Based upon the testimony of the applicant, which the Board accepts as credible, numerous nearby properties have similar improvements, and there are no existing problems with runoff on the subject or adjoining properties.
9. The Board Engineer concurred with the applicant's testimony concerning the limitations posed by the irregular shape of the lot and the unlikely prospect of drainage issues arising from the proposed development.
10. No public comment was offered concerning the application.

Conclusions of Law:

The Board finds that the proposed rear yard setback variance can be granted pursuant to NJSA 40:55D-70(c)(1), because the location of the existing dwelling would preclude construction of a rear deck area without variance relief, and strict adherence to the ordinance standard poses an exceptional practical difficulty for the applicant. Since the proposed deck is an amenity similar to those at other houses in the neighborhood, and there are no existing runoff issues, grant of the requested variances would create minimal detriments to the public good. The proposed variance will merely allow for development that is consistent with nearby properties and accommodate the lawful, but irregular shape of the subject property. The proposed deviation therefore does not create any substantial detriment to the public good or zone plan. 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 Anjaneya Modugu seeking a rear yard setback variance to permit construction of a deck, at a property located at 218 Leffler Circle, and known on the official Tax Map of the Township of Florence as Block 165.04, Lot 51, 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.
2. 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;
3. All taxes and escrow fees for professional review must be paid current and in full.
4. 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 : Mr. Cartier  
Seconded by : Mr. Lutz  
In Favor : Mr. Cartier, Mr. Lutz, Mr. Buddenbaum, Mr. Drangula, Ms. Mattis, Mr. Sovak, Chairman Zekas  
Opposed : None  
Recused : Mr. Patel  
Absent : None

**MOTION TO ADOPT RESOLUTION:**

Moved by : Mr. Drangula  
Seconded by : Mr. Lutz  
In Favor : Mr. Drangula, Mr. Lutz, Mr. Cartier, Ms. Mattis, Mr. Sovak, Chairman Zekas  
Opposed : None  
Abstained : Patel  
Absent : Buddenbaum

**FLORENCE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

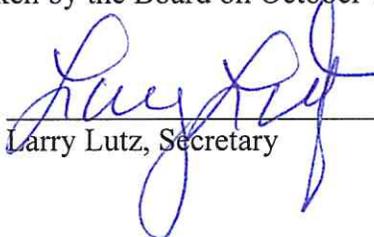
Dated: 12/3/2018

  
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 December 3, 2018 and memorializes a decision taken by the Board on October 1, 2018.

Dated: 12/03/2018

  
Larry Lutz, Secretary