

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2019-07

Application No. 2019-06

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF DIAMOND POOLS
IMPERVIOUS LOT COVER
VARIANCE
BLOCK 165.04 LOT 45
IN THE R LOW DENSITY RESIDENTIAL
ZONING DISTRICT
APPROVAL**

**Decided: July 1, 2019
Resolution Memorialized: August 5, 2019**

WHEREAS, Diamond Pools, a single member entity solely owned by Scott C. Jarvis, made application to the Florence Township Zoning Board of Adjustment for an impervious lot coverage variance to permit construction of a 17 ft. x 40 ft. in ground pool and surrounding concrete apron (that includes an area for installation of a hot tub/spa), paved walkways and an 8'x 12' shed, at a property located at 230 Leffler Circle, and known on the official Tax Map of the Township of Florence as Block 165.04, Lot 45;

WHEREAS, the applicant is the construction contractor for the owners of the subject property, Blake and Karen Lyman, who have consented to the making of this application;

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 July 1, 2019 regular meeting;

WHEREAS, Mr. Jarvis and Mr. Lyman 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 applicant is the construction contractor for the owners of the subject property, Blake and Karen Lyman, who have consented to the making of this application, and therefore has standing to bring this application before the Board.
2. The subject property located at 230 Leffler Circle, in Florence Township's R Low Density Residential Zone District and is known on the official Tax Map of the Township of Florence as Block 165.04, Lot 45,
3. Application has been made for an impervious lot coverage variance permit construction of a 17 ft. x 40 ft. in ground pool and surrounding concrete apron (that includes an area for installation of a hot tub/spa), paved walkways and an 8'x 12' shed.
4. The subject property is an existing conforming lot of 20,000 sq. ft. Permitted impervious lot coverage is 25% (with 5% swimming pool bonus) and proposed lot coverage is 32%.
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 4/03/2019 entitled "Topographic Survey" prepared by Anthony F. DiRosa, PE, PLS, which shows the property outbounds, the locations of existing improvements, and the site's topography;
 - f. A plan dated 4/03/2019 entitled "Plot Plan" prepared by Anthony F. DiRosa, PE, PLS, which shows the property outbounds, the locations of

existing improvements, and location and extent of the proposed improvements;

7. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted review letter dated April 25, 2019 commenting upon the application which is hereby incorporated into the record. Mr. Dougherty also introduced an aerial view of the subject and surrounding properties that was marked as Exhibit "B-1".
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 Board Engineer concurred that the proposed grading will maintain existing flow patterns and does not appear to present any significant issues.
9. The overall development was designed with a large central detention basin that was sized to accept the runoff produced by the permitted 25% impervious lot coverage from all of the parcels in the development. This lot is peculiar because the runoff from the rear of the subject property was never designed to go to the central basin. The runoff goes to the wooded area at the rear of the subject property.
10. No public comment was offered concerning the application.

Conclusions of Law:

The Board finds that the proposed impervious lot coverage variance can be granted pursuant to NJSA 40:55D-70(c)(2), because the pool and supporting areas are amenities which are common within the neighborhood of the subject property, and the benefit to the overall community of adding these amenities to this property as well substantially outweighs any detriments which could flow from the proposed deviation from strict application of the ordinance standards. In light of the peculiar direction of run off from this site and 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 Diamond Pools seeking an impervious lot coverage variance to permit construction of a 17 ft. x 40 ft. in ground pool and surrounding concrete apron (that includes an area for installation of a hot tub/spa), paved walkways and an 8'x 12' shed, at a property located at 230 Leffler Circle, and known on the official Tax Map of the Township of Florence as Block 165.04, Lot 45, 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 Township ordinance requirements concerning submission of a grading plan at the time of application for a construction permit;
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 : Mr. Cartier
Seconded by : Mr. Lutz
In Favor : Mr. Cartier, Mr. Lutz, Mr. Drangula, Mr. Sovak, Ms. Mattis,
Mr. Puccio, Chairman Zekas
Opposed : None
Recused : Mr. Buddenbaum,
Absent : Mr. Patel

MOTION TO ADOPT RESOLUTION:

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

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 5 Aug 2019

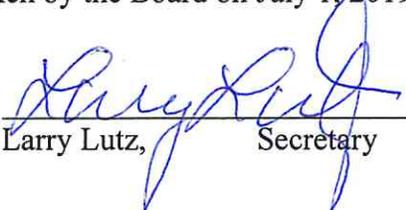


B. Michael Zekas, Chairman

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 August 5, 2019 and memorializes a decision taken by the Board on July 1, 2019.

Dated: 8/05/2019



Larry Lutz, Secretary