

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2020-08

Application No. 2020-02

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF JASON VAN LIEU
IMPERVIOUS LOT COVER
VARIANCE
BLOCK 166.09 LOT 7
IN THE R LOW DENSITY RESIDENTIAL
ZONING DISTRICT
APPROVAL**

Decided: July 6, 2020
Resolution Memorialized: August 3, 2020

WHEREAS, Jason Van Lieu made application to the Florence Township Zoning Board of Adjustment for an impervious lot coverage variance to permit construction of a 12 ft. x 21 ft. oval above ground pool and surrounding deck, at an 11,000 sq. ft. property located at 4 Lilac Lane, and known on the official Tax Map of the Township of Florence as Block 166.09, Lot 7;

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 July 6, 2020 regular meeting;

WHEREAS, Mr. Van Lieu 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, and therefore has standing to bring this application before the Board.
2. The subject property located at 4 Lilac Lane, 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 166.09, Lot 7,
3. Application has been made for an impervious lot coverage variance permit construction of a 12 ft. x 21 ft. oval aboveground pool and surrounding deck.
4. The subject property is an existing conforming lot of 11,000 sq. ft. Permitted impervious lot coverage is 30% (with 5% swimming pool bonus) and proposed lot coverage with the pool and surrounding deck is 47%.
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 survey plan dated 8/7/2012 entitled "Plan of Survey" prepared by Rick Tkacs, PLS, 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;
7. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated June 11, 2020 commenting upon the application which is hereby incorporated into the record. The proposed development will meet all other bulk (setback) requirements.

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. 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 lack of run off issues 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 Jason Van Lieu seeking an impervious lot coverage variance to permit construction of a 12 ft. x 21 ft. oval above ground pool and surrounding deck, at an 11,000 sq. ft. property located at 4 Lilac Lane, and known on the official Tax Map of the Township of Florence as Block 166.09, Lot 7, 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. Buddenbaum
Seconded by : Mr. Lutz
In Favor : Mr. Buddenbaum, Mr. Lutz, Mr. Cartier, Ms. Mattis,
Mr. Puccio, Mr. Sovak, Chairman Patel
Opposed : None
Recused : None
Absent : None

MOTION TO ADOPT RESOLUTION:

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

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 8-3-20

Anant Patel
Anant Patel, 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 3, 2020 and memorializes a decision taken by the Board on July 6, 2020.

Dated: 8/03/2020

Larry Lutz
Larry Lutz, Secretary