

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2020-09

Application No. 2020-03

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF KOMIKA BENJAMIN
IMPERVIOUS LOT COVER
VARIANCE
BLOCK 3 LOT 18
IN THE RB MEDIUM TO HIGH DENSITY RESIDENTIAL
ZONING DISTRICT
APPROVAL**

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

WHEREAS, Komika Benjamin made application to the Florence Township Zoning Board of Adjustment for an impervious lot coverage variance to permit construction of a 8 ft. x 15 ft. storage shed, at an 3450 sq. ft. property located at 1013 West Fourth Street, and known on the official Tax Map of the Township of Florence as Block 3, Lot 18;

WHEREAS, the applicant is a tenant, and the owner of the subject property has 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 6, 2020 regular meeting;

WHEREAS, Ms. Benjamin, and her husband, John Benjamin 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 a tenant, the owner of the subject property has consented to the making of this application, and the applicant therefore has standing to bring this application before the Board.
2. The subject property located at 1013 West Fourth Street, in Florence Township's RB Medium to High Density Residential Zone District and known on the official Tax Map of the Township of Florence as Block 3, Lot 18,
3. Application has been made for an impervious lot coverage variance permit construction of a 8 ft. x 15 ft. storage shed.
4. The subject property is an existing undersized lot of 3,450 sq. ft. where a minimum lot size of 6,000 sq. ft. is required. Permitted impervious lot coverage is 33% (with 5% swimming pool bonus), existing coverage is 52% and proposed lot coverage with the new storage shed is 55%.
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 02/11/05 entitled "Plan of Survey" prepared by Cleo E. McCall, 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 17, 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)(12), because the proposed shed is an amenity which is common within the neighborhood of the subject property, but which would be prohibited to this existing undersized property without the requested variance relief. 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 Komika Benjamin seeking an impervious lot coverage variance to permit construction of a 8 ft. x 15 ft. storage shed, at an 3450 sq. ft. property located at 1013 West Fourth Street, and known on the official Tax Map of the Township of Florence as Block 3, Lot 18, 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. Cartier
In Favor : Mr. Buddenbaum, Mr. Cartier, Mr. Lutz, 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, 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, Secretary