



October 20, 2024

Ms. Diana Chandler-Zimmerman
Board Secretary
Township of West Orange Zoning Board of Adjustment
66 Main Street
West Orange, NJ 07052

Re: **Planning Review Letter**
15 Edgewood Ave North
Block #45.06, Lot #3
Application for C Variance
ZB-24-10

Dear Ms. Chandler-Zimmerman,

This office has reviewed the application submitted by *Celeste R Jenkins* ("**Applicant**"). The Applicant filed an application with the West Orange Board of Adjustment for a "C" Bulk Variance for an 187 square foot 2-story addition, 416-square foot deck, paver patio and a 78-square foot vestibule area off the kitchen area, constructed off the rear of the principal structure.

In preparation of this memorandum, the following documents were reviewed:

1. Township of West Orange Application Form for the Planning Board or Board of Adjustment, dated August 16, 2024.
2. Project Description with reasons for relief.
3. Verification of Taxes & Sewer Charges Paid, dated August 13, 2024.
4. Plans, created by William M Brown III, dated July 29, 2024.

Property Information

The property that is the subject of this Application is commonly known as 15 Edgewood Ave North and identified as **Block 158, Lot #3** in the municipal tax records for the Township of West Orange. The site contains a two-story single-family home. The surrounding land uses are consistent with the permitted zoning of the R-4 zone.

The property is irregular shaped as the property survey indicates a parcel with the dimensions of 104 feet in width at the street, 156.84 feet at the northern edge of the property and 164.61 feet at the southern edge of the property, and 84.05 feet in lot width along the rear property line. The lot is 14,982 square feet in area, slightly less than the 15,000 square feet required in the R-4 Zone.



*Figure 1: Aerial Image of the site at 15 Edgewood Ave North is outlined in yellow.
Source: NJ-GeoWeb*



Figure 2: Front yard of 15 Edgewood Ave North



Figure 3: Southern side yard view of 15 Edgewood Ave North where two-story addition is to be located. Note existing roof overhang.



Figure 4: Northern side yard view of 15 Edgewood Ave North where heat pump and emergency escape window are to be located. Not existing roof overhang.



Project Overview

The applicant, Celeste R. Jenkins proposes to construct a new two-story addition of the rear of the home in its southeastern corner, and off the kitchen in the rear. To the north and east of the new vestibule area will be a deck, and a patio located between the vestibule area and the two-story addition. The applicant also proposes an emergency escape window off the basement and a heat pump to be located along the northern side of the home

Zoning (§25-7.1)

This application is located within the Township's R-4 Zone, which is generally described as permitting one-family dwellings on 15,000 square foot lots.

VARIANCES

The following variances are required for this application as provided by the applicant

Item	Reference	Required	Existing	Proposed	Comment
Min Lot Area	§25-7.1	15,000 sq ft	14, 982 sq ft	14,982 sq ft	Pre-existing
Side yard setback	§25-7.1	15 ft/10 ft	17.17 ft/ 8.33 ft	17.17 ft/ 8.33 ft	Pre-existing
Roof overhang	§25-8.2c	2 ft	2.6 ft	2.6 ft	See discussion
Yard Encroachment	§25-8.c (sic)	2 ft	N/A	2.5 ft	See discussion

A. Roof overhang

The applicant references §25-8.2c for the variance required for the 3-foot roof overhang associated with the additions, which states:

§ 25-8.2 Yard Encroachments.

In all districts, the space in a required front, side, side front yard or rear yard shall be open and unobstructed except for:

c. Doorways, windows, sills, lintels, wall ornaments or leaders projecting not more than two feet. A variance shall be required for any feature that projects more than two feet into a required yard.

This section does not reference roof overhangs. Rather, the roof overhang should be considered part of the required setback distance, and therefore, requires further relief from the required side yard setback distance as it appears the new roof overhang will be within the 15-foot setback requirement of the southern side of the property.

B. Yard Encroachment – Heat Pump

The applicant lists §25.8.d (sic) for the relief necessary for the heat pump, which is an improper reference for the heat pump. §25.8.2d states:

§ 25-8.2 Yard Encroachments.

In all districts, the space in a required front, side, side front yard or rear yard shall be open and unobstructed except for:

d. Fire escapes required by law, and chimneys, not over four feet wide, provided that the Building Inspector shall determine that such projections are so placed as not to obstruct light or ventilation

Rather, the heat pump, because it is attached to the main building, should be considered part of the structure, and subject to the side yard setback requirements for the principal structure, requiring further relief from the 10-foot side yard setback requirement.

Planning Comments

Bulk “C” Variances

N.J.S.A. 40:55D-70c sets forth the criteria for a planning board to grant variance from bulk requirements of zoning ordinance. Two types of “c” variances can be granted:

(c) 1: in cases of hardship, such as “exceptional narrowness, shallowness or shape of specific piece of property,” or by reason of exceptional or unique topographic



conditions, physical features, or an exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

(c) 2: where the purposes of zoning would be advanced, and the benefits derived by the variance would outweigh any detriments.

The applicant must also meet the negative criteria of the statute for the granting of a “c” variance, wherein a variance can be granted only “without substantial detriment to the public good” and where it “will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.”

Respectfully submitted,

George Wheatle Williams, PP, AICP
Principal, Nishuane Group, LLC.

Erik DeLine, PP, AICP, LEED AP
Associate, Nishuane Group, LLC.