



January 6, 2025

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**
10 Shrump Place
Block #176.07, Lot #30
Application for C Variance
ZB-24-14

Dear Ms. Chandler-Zimmerman,

This office has reviewed the application submitted by *Joann Farrington* ("**Applicant**"). The Applicant filed an application with the West Orange Board of Adjustment for a "C" Bulk Variance to construct a 10' x 19' sun room within the property's rear yard setback, replacing an existing uncovered deck. The subject property is located within the Township's R-6 zone, which requires a 30-foot rear yard setback under §25-7.1. The existing rear yard setback for the principal structure is 23 feet, and the proposed sunroom would be set 23 feet from the rear yard lot line.

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 September 19, 2024.
2. W-9, Joann Farrington, dated September 19, 2024.
3. Sunroom Proposal.
4. Statement of Justification for proposed sunroom.
5. Plans showing location of proposed sunroom
6. Verification of Taxes & Sewer Charges Paid, dated September 6, 2024.
7. List and Buffer Report Map of Property Owners to be Served Notice, dated September 6, 2024.

Property Information

The property that is the subject of this Application is commonly known as 10 Shrump Place and identified as **Block 176.07, Lot #30** in the municipal tax records for the Township of West Orange. The site contains a single-family home on a dead-end street. The principal structure consists of 1.5 story brick and frame building, with a one-story addition in the rear yard and a uncovered deck that encroaches into the rear yard setback. The surrounding land uses are consistent with the permitted zoning of the R-6 zone.

The property survey indicated a parcel with the dimensions of 50 feet in width and 100 feet in depth, creating a 5,000 square foot property. The minimum dimensions for properties located in the zone is 6,000 square feet, indicating an undersized property. Furthermore, with a required minimum lot width of 50 feet, it does not meet the minimum lot width requirements of the zone. The lot depth of 100 feet is conforming, which does not indicate a shallow lot. The home is set back 26.07' from the front yard lot line, less than the 30' required in the zone.



Figure 1: Aerial Image of the site at 10 Shrump Place is outlined in yellow.
Source: NJ-GeoWeb



Figure 2: Front yard of 10 Shrump Place from the northwest corner of the property



Figure 3: Front yard view of 10 Shrump Place from the southwest corner of the property (not the one-story addition along the southern side of the home, extending into the rear yard).



Project Overview

The applicant, James Wallace, Jr. proposes to construct a new 190 square foot sun roof in the rear yard, replacing a portion of an existing uncovered deck. Under **§25.7.1 Zoning District Regulations**, the required minimum rear yard setback is 30 feet and the proposed rear yard setback is 23 feet. There is a one-story addition that projects into the rear yard, creating an already existing rear yard setback of 23 feet, so there would not be an exacerbation of this nonconforming condition.

Zoning (§25-7.1)

This application is located within the Township's R-6 Zone, which is generally described as permitting one-family dwellings on 6,000 square foot lots.

Regulation	Required	Existing	Proposed
Minimum Rear Yard	30 feet	23 feet	23 feet (expanded)

Definitions (§25-4)

Yard

Shall mean and include:

2. REAR Shall mean an open space on the same lot with a building, between the rear line of the lot and the rear line of the nearest roofed portion of the building and extending from side property line to side property line.

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.”

Conclusion

While the applicant argues for a physical hardship based on the existing shallowness of the rear yard, we note the lot depth is conforming, and the principle structures front yard setback is already nonconforming.

Rather, it is the overall size of the home that is creating the conditions of the rear yard, and not the size of the property itself. As a result, we recommend this application be considered on the basis of a C2 variance rather than as a hardship.

Respectfully submitted,

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

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