



April 25, 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**
7 Himsl Court
Block #167.01, Lot #13
Application for C Variance
ZB-25-03

Dear Ms. Chandler-Zimmerman,

This office has reviewed the application submitted by *Alwyn Brian Klein* ("**Applicant**"). The Applicant filed an application with the West Orange Board of Adjustment for a "C" Bulk Variance for a 350 square foot uncovered deck into the required rear yard setback. The subject property is located with the Township's R-3 AH zone, which requires a 30-foot rear yard setback. Under §25-8.2(A), an unroofed terrace may not project more than eight (8) feet into the required rear yard. The proposed deck would have a 14-foot setback from the rear yard, meaning the proposed deck encroaches 6 feet beyond the permissible encroachment.

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 March 16, 2025.
2. Project Proposal.
3. Reasons for Relief.
4. Survey, prepared by Brunswick Surveying Incorporated, dated March 22, 2017
5. Survey with new open deck shown.
6. Illustrative drawings of deck detail.
7. Verification of Taxes & Sewer Charges Paid, dated February 24, 2025.

8. List and Buffer Report Map of Property Owners to be Served Notice, dated January 15, 2025.
9. Photographs of property, undated.
10. W-9, Alwyn Klein, dated March 16, 2025.

Property Information

The property that is the subject of this Application is commonly known as 7 Himsl Court and identified as **Block 167.01, Lot #13** in the municipal tax records for the Township of West Orange. The site contains a single-family home on cul-de-sac. The surrounding land uses are consistent with the permitted zoning of the R-3 AH zone.

The property survey indicates an irregular shaped parcel that is listed at 10,569 square feet. The southern edge of the property measures 123.87 feet, the western edge of the property measures 125.08', and the lot frontage along Himsl Court (generally the northern and eastern sides, measures 164.57 feet.

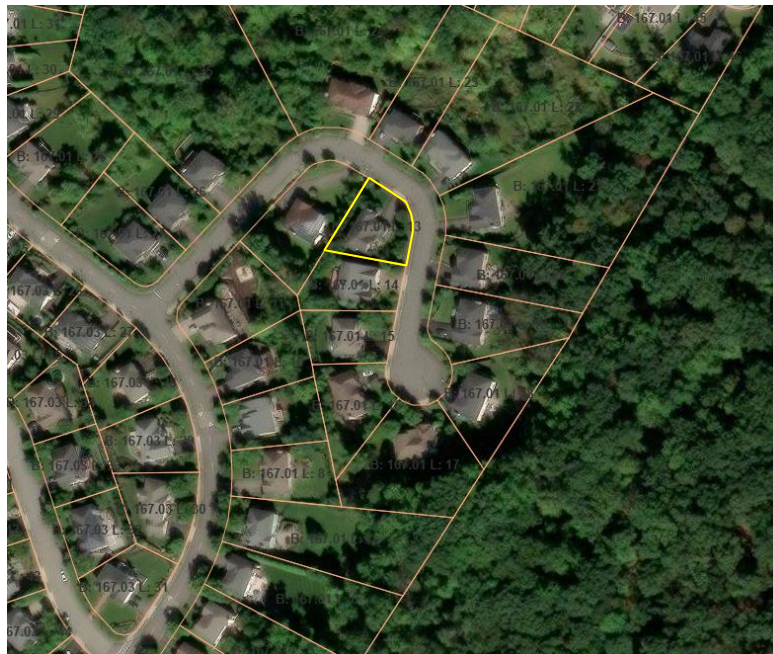


Figure 1: Aerial Image of the site at 7 Himsl Court is outlined in yellow.
Source: NJ-GeoWeb



Figure 2: 7 Himsl Court front/side of house



Figure 3: 7 Himsel Court - side of house



Figure 4: 7 Himsl Court - looking into rear yard setback

Project Overview

The applicant, James Wallace, Jr. proposes to construct a new 350square foot deck in the rear yard. Under **§25.8.2(A) Yard Encroachments**, unroofed terraces may not project more than 8 feet into the required rear yard. The required rear yard setback in the R-3 AH zone is 30 feet and the proposed rear yard setback with the deck is 14 feet, meaning the proposed deck encroaches by 6 feet. This requires a "C" variance.

The project increases the existing impervious surface coverage from 30.5% to 34.2%, where 35% is permitted. This is conforming. The building coverage remains at 19.3% as unroofed terraces are excluded from building coverage calculations, and the building coverage is compliant with the maximum permitted coverage of 25%.

Zoning (§25-7.1)

This application is located within the Township's R-3 AH Zone, which is generally described as having a maximum number of 95 lots, of which half shall have a minimum lot size of 12,500 square feet and half shall have a minimum lot size of 10,000 square feet. Further, the maximum cul-de-sac length for the zone was been waived and the density computation in the steep slope ordinance does not apply.

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.

BUILDING GROUND COVERAGE

Shall mean the horizontal area of the ground floor of all buildings, measured between exterior faces of foundation walls, but excluding the area of unroofed porches and terraces

LOT COVERAGE

Shall mean that portion of a lot which is covered by parking areas and any impervious surface including but not limited to principal and accessory, structures, driveways, patios, sidewalks, etc.

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.



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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.