

Max Grossman

15 Alan Street, West Orange, NJ 07052

Reasons for Relief

This application seeks a C-2 variance for an existing accessory structure to modify the permissible height and maintain existing setbacks. Specifically, I am requesting permission to increase the structure's height to 20.6 feet, exceeding the 15-foot limit. There will be no change to the existing side and rear setbacks of the main accessory structure. A related property improvement will increase the distance of the structure from the lot boundary in one area (marked "EXT" on the original survey) from 10 inches to 4.65 feet, through its removal due to deterioration. The lot will be enhanced with additional permeable soil and grass seed in its place.

The reason for this requested relief is that the current structure is inadequate for the requirements of modern vehicles and contemporary family needs. A modern Ford F150 Crew cab is 22.5' long. The proposed dimensions of the new garage would leave 26' of interior space to accommodate the length of the vehicle and a little space to walk in front and back of it, or open the tailgate to unload.

Due to the narrow configuration of my lot, the existing north/south orientation of the garage is necessary to maintain functionality and preserve the existing lawn to the east, while also facilitating the reuse of the existing structure and foundation. The increased height is essential to accommodate much-needed storage and provide space for my small part time hobby business of woodworking. I have been the full time woodshop teacher at West Orange High School for the past 11 years and plan to continue my employment there for the foreseeable future.

Given that my residence is only 1,479 square feet, it lacks sufficient area for adequate storage or recreational activities. Providing this supplementary floor space above the garage will significantly enhance the home's livability and flexibility, which is crucial for my family to remain long-term residents of West Orange.

Hardship and Special Reasons

The requested C-2 variance is necessitated by the unique physical characteristics of this property, which create a practical hardship. The lot at 15 Alan Street is a narrow, moderately graded parcel situated on the side of a mountain in the "Lourdes" section of West Orange. The lot measures only 40 feet in width, severely constraining the placement of any accessory structure. The existing garage location is the only viable position on the lot that preserves driveway access, maintains the existing lawn, and allows reuse of the existing foundation—moving the structure to a different location is not a practical alternative. These lot characteristics are inherent to the property and pre-date my ownership.

The small size of the main dwelling—only 1,479 square feet—compounds this hardship. The residence provides no meaningful space for storage or hobby work, needs that are common to residential occupancy. The inability to meet these needs within the footprint of the main structure is not a matter of preference but a genuine functional deficiency

created by the constrained size of the home. Strict application of the 15-foot height limit to the accessory structure would perpetuate this deficiency by foreclosing the only feasible means of addressing it: the addition of a second floor to the existing garage. Granting the requested variance is therefore necessary to allow a reasonable use of the property consistent with how neighboring properties are utilized, including the adjacent garage to the north, which already features a comparable second-floor and a height of 20' 10" (measured with a laser measure) and a similar gambrel roof.

I believe the deviation from the zoning ordinance requirements will advance the purposes of the Municipal Land Use Law by **promoting the general welfare** (N.J.S.A. 40:55D-2(a)) and **establishing appropriate population densities and concentrating development in appropriate locations** (N.J.S.A. 40:55D-2(e)), and fostering a **desirable visual environment** (N.J.S.A. 40:55D-2(i)).

- **Promoting General Welfare (N.J.S.A. 40:55D-2(a)):** This modification enhances my home's livability by providing necessary storage and recreational space that the small residence currently lacks. Improving the utility and capacity of a "starter home" in the "Lourdes" section supports neighborhood stability and encourages families, including mine, to stay in the township for the long term.
- **Desirable Visual Environment (N.J.S.A. 40:55D-2(i)):** The proposed 20.6' structure will be comparable in height to the neighboring garage to the north, which already has a similar existing second-floor. A photograph of that garage, with a rendering of the proposed garage superimposed on it, has been submitted with this application to demonstrate visual compatibility with the existing neighborhood context. Furthermore, being built on the side of a mountain minimizes the structure's perceived height, and the new roofline is designed to mimic the gambrel roof of the main house.

Benefits Substantially Outweigh Detriment

Under the balancing test set forth in *Sica v. Board of Adjustment of Township of Wall*, 127 N.J. 152 (1992), I suggest that the benefits of this deviation substantially outweigh any detriment to the Township.

Category	Benefits of the Deviation to the Township	Adverse Effects/Detriment to the Township
Community & Housing	Increases the long-term viability of a "starter home," supporting the goal of retaining families in the community.	None are anticipated.
Property & Livability	Improves property values and livability for my family and sets a positive precedent for similar small homes in the neighborhood.	None are anticipated.

Category	Benefits of the Deviation to the Township	Adverse Effects/Detriment to the Township
Aesthetics & Zoning	The new roofline will not block anyone's view and will aesthetically harmonize with the main house. The new roof will be approximately the same elevation as the garage to the north and west due to grade of ground and the existing second story on the north garage.	None are anticipated.
Functionality	The design accommodates modern, larger vehicles and contemporary family needs for storage and a dedicated hobby woodworking space on the second floor.	None are anticipated.
Noise & Acoustic Mitigation	The roof assembly includes Rockwool R38 batt insulation (~10") and the first floor walls include Rockwool R23 batt (5.5" in 2x6 stud bays). Rockwool is chosen specifically for its superior acoustic dampening properties, ensuring that hobby woodworking activity will have minimal sound impact on neighboring properties.	None are anticipated. The insulation assembly is specifically designed to contain noise from machinery within the structure. I have been working part time from the existing garage since March of 2018 and have never received a noise complaint from any neighbors due to similar insulation I installed in the current structure as well as adhering to a strict curfew for any potentially noisy work.
Environmental	Facilitates the reuse of parts of the existing structure and all of the foundation. Includes an environmental improvement with additional permeable soil. Proposed stormwater runoff from the roof will be controlled by roof gutters and plumbed into the existing underground piping that discharges into the street gutter.	None are anticipated.
Lot Coverage	While lot coverage is a pre-existing non-conformity at 61.5% (55% permitted), the proposed project reduces this to 60.6%—a measurable improvement toward compliance.	None are anticipated. The pre-existing non-conformity is improved, not worsened.

The primary detriments associated with a C-2 variance—such as impact on neighborhood character, visual intrusion, or negative effects on adjacent properties—are mitigated or entirely negated by this proposal. The new roofline will not block anyone's view and the property layout will remain mostly unchanged. The substantial

benefits of **retaining long-term residents, improving property values, and modernizing a small home's utility** align directly with the MLUL's purpose of promoting the general welfare. Furthermore, the proposal affirmatively improves the pre-existing lot coverage non-conformity, reducing it from 61.5% to 60.6%. Given the lack of any anticipated adverse effects, the demonstrable positive impacts, and the improvement to an existing non-conformity, the benefits clearly and substantially outweigh any potential detriment under the Sica balancing standard.

With respect to the woodworking hobby use of the second floor, the structure has been specifically designed to minimize any impact on neighboring properties. The roof assembly incorporates Rockwool R38 batt insulation (approximately 10" thick) and the first floor walls utilize Rockwool R23 batt insulation (5.5" in 2x6 stud bays). Rockwool is selected for its industry-recognized acoustic dampening properties, which are superior to fiberglass insulation of equivalent R-value. This insulation strategy, combined with the fully enclosed nature of the structure, ensures that noise from power tools and machinery will be effectively contained within the building and will not constitute a nuisance to adjacent properties. As stated above, I have been conducting this work since 2018 in a structure with less insulation and sealing with no complaints from neighbors. There will be no discharge of fumes to the exterior of the building.

I have strong personal and professional ties to this community, having been raised in West Orange and dedicating my professional career to educating its youth at WOHS. My service on the Historic Preservation Commission further reflects my commitment to the town. My deep roots here motivate me to create a functional home that will support my family's growth and well-being in the town I hold in high regard.