

TO: Township of West Orange Zoning Board

FROM: Malvika Apte, PP, AICP, Planning Board Planner
Michael Davis, PP, AICP, Senior Planner
Langley Oudemans, Associate Planner

RE: ZB Application 26-02
Completeness/Planning Review # 2
13 Porter Road
Block 175.24, Lot 3
"C" Variance Application

DATE: September 10, 2026

1. Materials Reviewed

As Requested, we have reviewed the following newly submitted materials since our previous review on July 14, 2026:

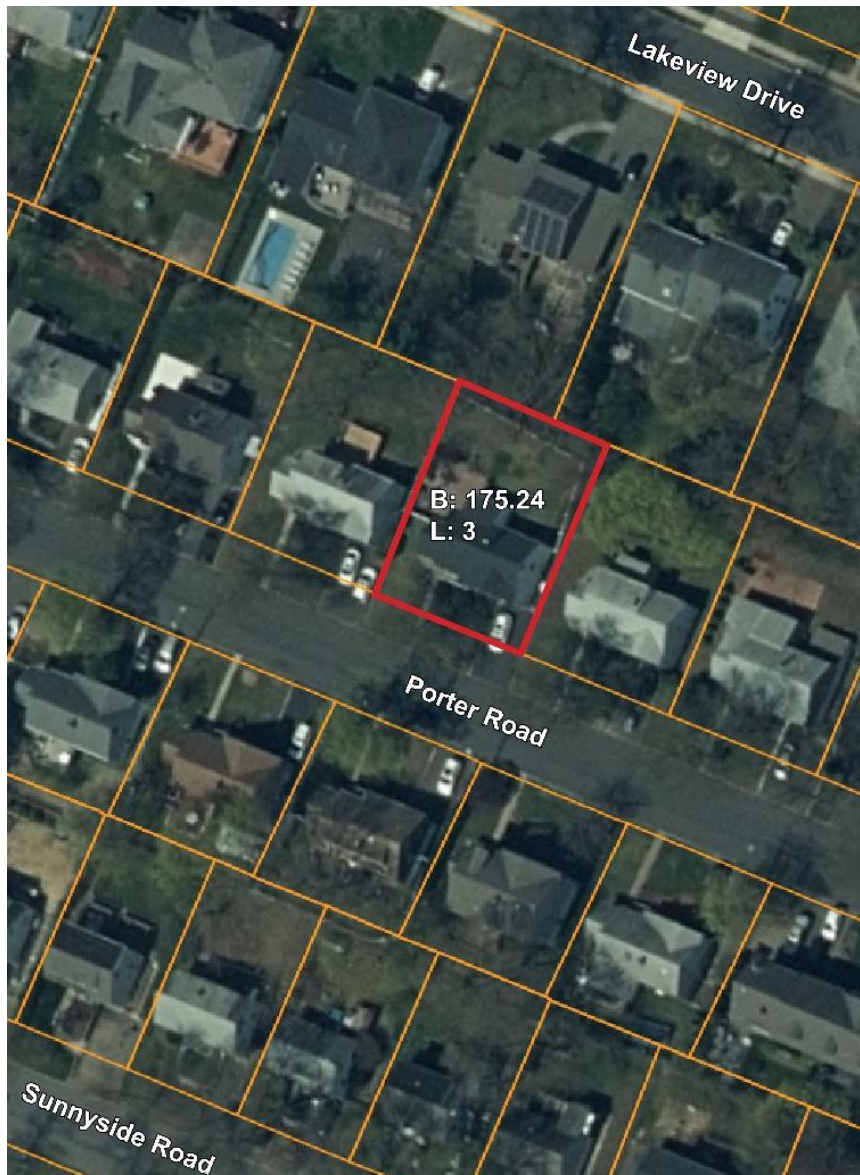
- Ten (10) sheets of Proposed Garage Extension, Main Level Bath & Closet Addition, prepared by FC3 Architecture and Design, LLC., dated August 31, 2026;
- One (1) sheet of Drainage and Grading Plan for 13 Porter Road, prepared by Blue Line Stone Home & Engineering, dated August 26, 2026.

The following materials were previously reviewed:

- Six (6) pages of Township of West Orange Zoning Board Application for 13 Porter Road, dated May 2, 2026;
- Five (5) pages of 200' Property Buffer Report dated June 5, 2026;
- One (1) page of Proposal Memo for Karriem Rhode, 13 Porter Road, undated;
- Four (4) pages of Reasons for Relief Memo for Karriem Rhode, 13 Porter Road, undated;
- One (1) page of Verification of Taxes & Sewer Charges Paid, prepared by the Township of West Orange Office of the Tax Collector, dated June 2, 2026;
- One (1) sheet of Site Survey of Block 175.24, Lot 3 prepared by Lantelme, Kurens, and Associates, PC, dated April 7, 2026;
- Ten (10) sheets of Proposed Garage Extension, Main Level Bath & Closet Addition, prepared by FC3 Architecture and Design, LLC., dated April 6, 2026.

2. Site Description and Surrounding Land Uses *(Reiterated from the previous review)*

The subject property is an interior lot, identified as Lot 3 in Block 175.24, located at 13 Porter Road between Pleasant Valley Way and Lakeview Drive. The rectangular-shaped lot includes 60.5 feet of frontage on Porter Road and is approximately 6,702 square feet in area. The property is currently used as a residential property with a 1.5-story dwelling. Property improvements include a paver walkway from the street to the rear yard, a paver patio in the rear yard, and a driveway from the street to the first-floor garage. The rear and side yards are enclosed by a vinyl fence, the height of which has not been provided. A gate is located along the fence in the front yard and provides access from the paver walkway to the rear yard. The subject property is surrounded on all sides by residential uses and is within a half mile of West Orange High School.



*Subject Site Aerial
Source: NJ Geo Web*

3. Proposed Project

The applicant, Karriem Rhode, is proposing an addition to the rear side of their single-family residential dwelling in order to expand the garage, which is located on the ground floor, and add a new master bathroom to the first floor. The expansion is proposed to align with the edge of the kitchen facing the rear yard (north façade), and the edge of the bedroom facing the eastern side yard (east façade); thereby the expansion as proposed would not increase the existing side or rear yard setback conditions. The floor plans provided by the applicant depict that the proposed footprint measures 22'-3" by 9'-0" at the ground floor. The proposed addition would not increase the overall height of the dwelling but would increase the footprint by approximately ±200 square feet. The roof of the expansion is proposed to include asphalt shingles to match the existing roof conditions.

Sine the previous review, minor updates to the plans were made, including a revised front yard setback number on the zoning table to match the conditions depicted in the drawings, a wall was removed from the basement, a window was added in the basement, a new window type was included in the bathroom, the impervious coverage percentages were increased, and multiple labels were updated. Additionally, site details were provided, including a steep slope analysis, in a drainage and grading plan.

4. Completeness (*Reiterated from the previous review*)

This Application Completeness Checklist is included below. Based on the files provided, this application is **capable of being deemed complete**.

Completeness Requirement	Complete	Incomplete	Waiver Request	Not Applicable
Administrative Requirements § 25-51.2				
a. Properly completed application forms	X			
b. Plans, maps and construction details as required	X			
c. Fees and escrow deposits paid (See Section 25-55) We defer to Board Secretary to confirm.				
d. Payment of taxes, liens and assessments. Verification of taxes dated 5/12/2026	X			
e. Site inspection authorization form.	X			
f. Compliance with legal notice requirements. This is an ongoing condition.				
g. Corporation or partnership form.				X
h. Affidavit of ownership/authorization form.				X
i. Copies of approvals of other government/agencies as may be required or an affidavit indicating that application has been made to such agencies.				X

j. A listing of all variance requests, waiver requests of miscellaneous design standards and checklist waiver requests.	X			
k. If the site is located within a community or development in which any bona fide board or association exists, the written proof that the board or association has received notice of the application for development is required.				X
l. All plans and legal documents for compliance with all West Orange COAH Ordinances included in Chapter 25 , Section 25-18 must be submitted to the Township.				X
"C" Variance Requirements § 25-51.9				
a. A map, either in conformance with subsections 25-51.3, 25-51.4, 25-51.5, 25-51.6 and 25-51.7.1 or if the application is to be bifurcated, a separate map, signed and sealed by an architect, engineer, planner or surveyor which provides sufficient data (i.e., setbacks, lot area, existing and proposed structures, etc.) upon which a decision can be based.	X			
b. A statement or legal brief which clarifies why the "c" variance should be granted. Particular attention should be paid to the contents of N.J.S.A. 40:55D-70c, applicable case law and relevant Township Ordinances and N.J. Statutes.	X			

5. Zoning Review and Planning Comments

- A. **Proposed Use:** The subject property is located within the R-6 One-Family Residential Zone where single-family, detached dwellings are permitted principal uses on 6,000 square foot lots. The applicant is proposing an expansion on the rear side of the existing dwelling. The proposal would not increase any of the existing maximum setbacks or height. The proposal would increase the impervious coverage of the lot by 3%.
- B. **Bulk Conditions:** The following table provides bulk requirements in the R-6 Zone and the existing and proposed conditions as noted on the plans. ***One (1) variance related to insufficient minimum side yard setback for the east side yard is required for this existing non-conforming condition.***

R-6 One Family Residential Zone				
	Ordinance Requirements	Existing Conditions	Proposed	Variance Required
Min. Lot Area (sqft)	6,000	6,702	No Change	No
Min. Lot Width (ft.)	60	68.5	No Change	No
Min. Front Yard (ft.)	30	24.7	No Change	No
Min. Side Yard Setback (ft.)	10 + 8	14.1 + 6.4	No Change	Yes (ENC) (V)
Min. Rear Yard Setback (ft.)	30	34.8	No Change	No
Maximum Building Height	2.5 Stories /	1.5 Stories /	No Change	No

R-6 One Family Residential Zone				
	Ordinance Requirements	Existing Conditions	Proposed	Variance Required
	35 ft.	26 ft.		
Maximum Lot Coverage	45%	42%	45%	No
Maximum Building Coverage	35%	20%	23%	No

V = Variance ENC = Existing Non-Conforming Condition

- C. Walls and Fences (§ 25-8.4b): Solid walls and fences are permitted in the rear yard and on the side property line, up to the rear line of the house. The solid fences are permitted on the side property line up to the front of the house if the distance on each side of the fence is more than 5 feet to each adjacent house. The existing 6-foot-tall vinyl fence sits on the side property line up to the center of the house. **Applicant to confirm the distance of the fence from the neighboring residential structure to determine compliance with the ordinance.**
- D. Impervious Coverage: It is noted that the revised plans included an updated existing impervious coverage amount from 39% to 42%. A breakout of the impervious surfaces was provided and includes 2,998 square feet of total impervious coverage.
- E. Steep Slopes § 25-28: Additions to existing single-family homes are exempt from the requirements of this ordinance provided that the additions do not extend any closer to the steep slope area. However, the proposed addition extends into areas where the slope is between 10% and 25%.
- The slope analysis includes "CAT 3: 20% to 25%" slope with a total disturbed area of 191 SF, or 19.9%. The ordinance notes that disturbance of slopes of 25% or more is prohibited and clarifies that 20% of the site may be disturbed if it is between 20% - 24.99%. **Applicant shall confirm that the entirety of the CAT 3 area has a slope of 24.99% or less. Disturbances of slopes above 24.99% will require a variance.**

6. Statutory Criteria

- The applicant requires relief for one (1) c-variance for this application. The applicant shall provide testimony that demonstrates how the request for relief may be granted based on one of the standards provided in the MLUL at N.J.S.A. 40:55D-70c. It is the applicant's responsibility to bear the burden of proof.

In order to satisfy the positive and negative criteria for each c variance enumerated above, the applicant should provide testimony that satisfies either the c(1) hardship criterion or c(2) flexible criterion as set forth in the MLUL.

- Positive criteria: There are two types of c variances - the **c(1) hardship** and the **c(2) flexible variance**.

The *c(1) hardship* criteria states that a “hardship” will occur if the variance is not granted. The hardship relates to the physical or topographical features of the property and cannot relate to financial or personal hardship. Hardship relating to property can include:

- i. Narrowness, shallowness, or irregular shape
- ii. An exceptional topographic condition
- iii. Other unique conditions or features affecting the property

The *c(2) flexible variance* states that by granting the variance, the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and that the benefits of granting the variance substantially outweigh the detriments.

- b. Negative criteria: The applicant must satisfy the two-prong test of the negative criteria;
 - i. The variance can be granted without substantial detriment to the public good; and
 - ii. The variance can be granted without causing substantial detriment to the zone plan.

The applicant’s testimony regarding the negative criteria should address any potential impacts that the proposed variances may have on the neighborhood, as well as how the proposed development is consistent with, or in potential conflict with, both the zoning ordinance and the Township’s Master Plan.