

**TOWNSHIP OF WEST ORANGE
APPLICATION FORM FOR THE
PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT**

A. APPLICANT INFORMATION

Full Legal Name: MILLER CHARLES
(Last) (First)
Mailing Address: 34 DARTMOUTH RD WEST ORANGE NJ
(Street) (City) (State) (Zip)
Telephone Number: (201) 400 6997 Email: CHARLIE MILLER211@GMAIL.COM

Is the Applicant an: ☒ Individual, ☐ Corporation, ☐ Partnership, ☐ Other _____

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached.

Relationship of the applicant to the property: ☒ Owner, ☐ Tenant or Lessee, ☐ Purchaser under contract
(with consent of owner, ☐ Other (please specify) _____

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

B. PROPERTY OWNER INFORMATION

☒ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: _____
Address: _____
Telephone Number: (____) _____ Email: _____

C. PROPERTY INFORMATION

Street Address: 34 DARTMOUTH RD.
Block Number(s): 48; Lot Number(s): 11
Tax Plate: A; Zone of Property: R-5
The location of the property is approximately 420 feet from the intersection of GREGORY AVE
and DARTMOUTH RD. (closest intersection.)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?
☐ Yes, Date(s): _____ ☒ No

If yes, please attach copies of the written decisions adopted by the Board to each application.

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☒ None

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☐ Yes ☒ No

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☒ Variance "C1" Reason: ☒ shape of property; ☐ physical features; ☐ exceptional situation.
- 4) ☐ Variance "C2".
- 5) ☐ Variance "D".
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☐ Site Plan: ☐ preliminary; ☐ final; ☐ preliminary and final; ☐ with variances; ☐ without variances.
- 9) ☐ Amended Site Plan.
- 10) ☐ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit.

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list.

Section: 25-7.1 PART B; Proposed: 5'-6"; Description: SIDEYARD SETBACK
Section: 25-7.1 PART B; Proposed: 67%; Description: LOT COVERAGE
Section: _____; Proposed: _____; Description: _____
Section: _____; Proposed: _____; Description: _____

E. DESCRIPTION OF PROPERTY

Existing Use of the Property

Briefly describe the major elements of your proposal: (a more detailed description is required in Section G.)

CONSTRUCTION OF A 4129 SF WOOD FRAMED DECK TO THE REAR OF THE HOUSE.

The property is 5,681 (square feet); .13 (acres)

Impervious Surface Coverage: Present: 3,423; Proposed: 3,836

Building Coverage: Present: 1,598; Proposed: 2,011

Is the property located:

Within 200 feet of another municipality?	☐ Yes	☒ No
Adjacent to an existing or proposed county road?	☐ Yes	☒ No
Adjacent to other county land?	☐ Yes	☒ No
Adjacent to a state highway?	☐ Yes	☒ No

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY:

Telephone Number: () _____ Email: _____

Address: _____

APPLICANT'S ENGINEER:

Telephone Number: () _____ Email: _____

Address: _____

APPLICANT'S ARCHITECT:

Telephone Number: 973 425 7680 Email: DAVID@WINDIGODESIGN.COM

Address: 914 MT. KEMPLE AVE, MORRISTOWN, NJ 07960

APPLICANT'S PLANNER:

Telephone Number: () _____ Email: _____

Address: _____

OTHER EXPERT(S):

Telephone Number: () _____ Email: _____

Address: _____

If necessary, please list any additional experts below, including address, telephone number and email address.

G. REQUIREMENTS FOR VARIANCES

- 4A) Please attach a written statement labeled **"PROPOSAL"**, describe the major elements of your proposal, and describe in detail the physical and use changes proposed.
- 4B) Please attach a written statement labeled **"REASONS FOR RELIEF"**, which fully answers 4C-1, 4C-2 or 4D (Special Reasons) AND part 4E (Negative Criteria).
- 4C-1) (For C1 variances only) The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D-70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.
- 4C-2) (For C2 variances only) State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.
- 4D) (For D variances only) State the special reasons under *N.J.S.A 40:55D-70d* affecting this property.
- 4E) The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

- 4F) Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION
SITE SURVEY	John GALIANO	5-7-20
ARCHITECTURAL DWGS	DAVID SPENCE KSK	7/15/20
RADIUS MAP	-	7/15/20
PROPOSAL (4A)	-	
REASON FOR RELIEF (4B)	-	

I. NOTICE

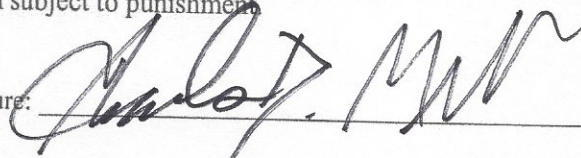
Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

J. VERIFICATION AND AUTHORIZATION

SIGNATURE IS REQUIRED FOR ALL OF THE FOLLOWING:

APPLICANT'S VERIFICATION

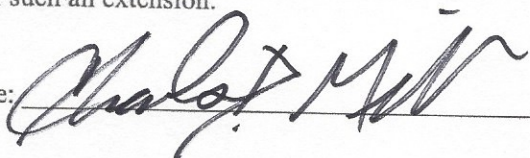
I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Applicant's Signature: 

Date: 07/16/2020

CONTINUANCE

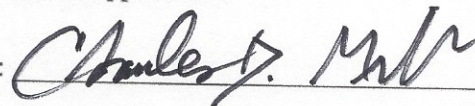
Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statute time limit, the applicant grants permission for such an extension.

Applicant's Signature: 

Date: 07/16/2020

OWNER'S AUTHORIZATION - MUST BE SIGNED

I hereby certify that I reside at 34 Dartmouth Rd, West Orange
in the County of Essex and the State of New Jersey;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 48;
Lot(s) 11 on the Tax Map of 4 which property is the subject of the above
application, and that said application is hereby authorized by me. Furthermore, I authorize inspection of the site
which is the subject of this application.

Owner's Signature: 

Date: 07/16/2020

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.

Proposed Deck Addition for Charles Miller

34 Dartmouth Rd. West Orange, NJ

Lot 11 Block 48

PROPOSAL

As per variance application Section G (4.A)

The proposed wood deck is meant to give the owner the opportunity to enjoy the outdoors in their backyard space while also providing easier accessibility into the kitchen directly from the driveway. It is the intention of the owner to use the deck for barbecuing, lounging or dining outdoors. The 413sf deck is of wood frame construction supported by concrete footings and wood posts with a finished floor height roughly 4-5ft above a slightly sloping grade. Access to the deck will be from the driveway side of the house via short run of stairs. A new exterior door installed into an opening currently occupied by a window, will give the owner direct access to and from the kitchen onto the deck. The relative location of the new deck stair and door, will make delivery of groceries much more accessible for the owner.

Due to several existing non-conforming issues related to the property, a variance request is required for construction of the deck. "Reasons for Relief" are outlined in a separate document.



Proposed Deck Addition for Charles Miller

34 Dartmouth Rd. West Orange, NJ

Lot 11 Block 48

REASONS FOR RELIEF

As per variance application Section G (4C-1):

The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties for the owner to construct their deck. Specifically, the East edge of the proposed deck will not meet the 8' side yard requirement, nor will the deck meet the maximum lot coverage requirement due to several reasons stated below. Both requirements are referenced in the Table of District Regulations – Part B: Bulk Standards of the West Orange Zoning Ordinance, Section 25-7.1,

Therefore the owner wishes to request:

1. Relief from the side yard set-back requirement, and allow the deck to be set back 5'-6" from the property line in lieu of 8'.

The existing lot width of 53.5' does not meet minimum lot width requirement of 75' defined in the Table for an R-5 Zone and is non-conforming. In addition, the unusual tapered shape of the lot and subsequently the side yard set-backs, further reduce the non-conforming lot width, thus minimizing the potential buildable area significantly. The minimum width at all points on the lot is required to be 40' or 75% of the lot width, whichever is greater. In this case, they are both virtually the same. Along the rear façade of the house, (where the deck is to attach) the lot width is only 43.27' and further back, the lot reduces to only 24'. Thus the non-conforming width and peculiar shape of the lot creates difficulties for the proposed deck to meet the setback requirements.

It should be noted that the existing principal structure's North (front) and East (left side) yard footprint extends over the required yard set-backs, thus the house's footprint is currently non-conforming as well. The proposed deck however, does not worsen this non-conformity since it steps back away from the side yard property line an additional 2'-6" relative to the house. See site plan.

2. Relief from the maximum lot coverage requirement and allow the deck to increase the current lot coverage from 60% to 67%.

The existing lot size of 5,681sf (.13acre) does not meet the 10,000sf minimum lot size requirements for an R-5 Zone and is thus non-conforming. Consequently the existing lot coverage of 60% (or 3,423sf) already exceeds the 45% maximum requirement. Because of the small lot size and its non-conformity, the maximum lot coverage requirement creates difficulties for constructing a typical size deck.

Proposed Deck Addition for Charles Miller

34 Dartmouth Rd. West Orange, NJ

Lot 11 Block 48

REASONS FOR RELIEF Cont'd

The proposed deck along the West (right) side will meet the 10' requirement for the other side yard setback and it will meet the 30' requirements for rear yard setback.

The proposed deck combined with the existing principal and accessory structures will meet the 35% building coverage requirement.

In response to section G-4E:

The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the Zone plan and Zoning ordinance because of the following reasons:

- The non-conforming size and shape of the property is the cause for the variance request, not the proposed deck itself.
- The addition and shape of the deck does not exacerbate the current non-conforming setbacks of the house. Rather it adapts to the unique shape of the property.
- The addition of the deck will become an important amenity to home owners now and in the future. It will add value to the property in that it creates usable outdoor space where none exists, and it allows the owners to enjoy the same benefits that their neighbors currently have with their own decks and patios.
- The streetscape is unaffected by the addition of the deck.
- Architecturally, the deck will also help downsize the verticality of the rear façade and make it more to human scale while reducing the visual impact of its foundation walls.

For these reasons a variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

