

August 14, 2020

Township of West Orange, NJ
Zoning Board of Adjustment
66 Main Street
West Orange, NJ 07052

Via E-mail: RDeSena@westorange.org

PROPOSAL

Subject: Variance Application Related to Ordinance § 25-8.3 and § 25-8.4 in relation to 6 Blackburne Terrace in West Orange, NJ

To the Township of West Orange Zoning Board of Adjustment,

I am submitting this written proposal concerning the property located at the above-referenced address to request a variance in order to add a 6'-0" tall PVC privacy fence in the rear/back of our property.

In its current state, the above-referenced property is defined as a through lot as per municipal ordinance § 25-8.3. The above-referenced residence is bounded by Blackburne Terrace to the northwest and by Rosney Terrace to the northeast. Please refer to Exhibit A for more information.

In its proposed state, as part of an overall landscaping project which was commenced on July 8, 2020, my wife and I wanted to add A 6'-0" tall PVC privacy fence to enclose our backyard which is the portion of the property that is adjacent to Rosney Terrace. The 6'-0" tall privacy fence will begin from the rear corners of the residence on both sides and in a rectilinear fashion, the fence will enclose the rear yard. There will be two gates installed to provide access to the rear yard from the two side yards. The gate at the right-hand side of the residence will be a 4'-0" wide x 6'-0" tall and the gate at the left-hand side of the property will be 5'-0" wide x 6'-0" tall. Please refer to Exhibit A for more information.

The overall purpose and need for the addition of the 6'-0" tall privacy fence will be elaborated under the "REASONS FOR RELIEF" document.

Should there be any questions or comments, please contact me at your earliest convenience.

Thank You



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Via E-mail: RDeSena@westorange.org

REASONS FOR RELIEF

Subject: Variance Application Related to Ordinance § 25-8.3 and § 25-8.4 in relation to 6 Blackburne Terrace in West Orange, NJ

To the Township of West Orange Zoning Board of Adjustment,

I am submitting this reason for relief document concerning the property located at the above-referenced address to request a variance in order to add a 6'-0" tall PVC privacy fence in the rear/back of our property.

The reasons for relief from the provisions of ordinance § 25-8.3 and § 25-8.4 are as follows:

1. Health and Safety

- a. My wife and I have a 15-month-old son and by having our backyard fully open to Rosney Terrace, it poses a significant safety risk for our son. There are many cars that drive along Rosney Terrace at a high rate of speed and we cannot rely solely on simple landscaping or the currently allowed 4'-0" high 50% open fence type to prevent our son from running towards the street. Our son is very active and can climb things which would make the allowable landscaping or the currently allowed 4'-0" high 50% open fence type ineffective. There are also many cars that have also gone onto the rear of our property to make K-turns or U-turns in order to go back towards Eagle Rock Avenue.
- b. Given the current state of the COVID-19 virus, my wife and I cannot take our son to the local parks in order to follow the mandated social distancing guidelines since we have family members who are high-risk individuals. We need a place for our son to be able to run and play for both exercise and for his psychological and emotional development. Our backyard in its current state is not suitable for him to run and play due to it being open to Rosney Terrace and per the safety reasons outlined in item 1.a. By hindering our 15-month-old son's ability to run and play outdoors it is also hindering his psychological and emotional development.
- c. My wife has a severe phobia of dogs and suffers from panic attacks if a dog is seen coming towards here in an aggressive manner. Our neighbor at 8 Blackburne Terrace has two large dogs which have barked at her and my son and myself on multiple occasions while attempting to use our backyard. On one occasion, the dogs were getting ready to be walked by our neighbor and they suddenly got loose and rushed my wife, son, and myself while we were standing in our backyard. The dogs were both barking and growling in an aggressive manner as they rushed us. Luckily our neighbor was able to restrain the two dogs prior to them reaching us, however, this situation may have

caused physical harm to my wife, son, and myself if our neighbor was not able to restrain his two dogs in time.

- d. Since our backyard is open to Rosney Terrace, there are strangers/random persons whom we do not know that my wife and I have observed walking through our property on multiple occasions. This poses a significant safety risk to my wife, son, and myself given that we do not know who these persons are nor do we know what their intentions are when they are randomly walking through our backyard.
- e. In walking down Ronsney Terrace, my wife and I have observed that many of our neighbors have installed privacy type PVC or wooden fences in the back of their yards with some fences located within the existing right-of-way. We are unsure as to whether these fences were installed with the appropriate variances and permits, however, it is quite clear that other residents along Blackburne Terrace see the need to install fences on their properties for their safety.

2. Loss of Use

- a. Given that our backyard is open to Rosney Terrace, we simply cannot use the space for recreational purposes such as having socially distanced gatherings or for allowing our son to run and play. We also have family members who are high risk individuals and we rarely see them causing psychological and emotional hardships for our son since his development at this stage relies heavily on social interactions.

In summary, by not having the requested privacy fence, it is causing my wife, son, and myself undue hardship as summarized in the points noted above. We believe that by allowing this variance it will not only improve our quality of life but also of our adjacent neighbors at 4 Blackburne and 6 Blackburne Terrace since it will also help reduce some of the safety issues discussed above for them as well. By helping to reduce/mitigate the safety risks discussed, it will help the Township avoid potential issues should someone get injured due to the safety risks discussed. We also believe that by issuing this variance that there will be no negative impact to the Township or to the community overall.

Lastly, we believe that the zoning ordinance § 25-8.3 can be improved by including an exemption for members of the West Orange community who have similar through lots to allow them to also install privacy type fences for their safety as well. The exemption could also list some requirements that privacy type fences that are installed should have some type of landscaping in order to provide an aesthetically pleasing view for the neighbors and for the Township overall.

Thank You



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