

**RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: November 20, 2019**

**RESOLUTION# LUB 19-21**

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Daloisio	✓		✓			
Davis			✓			
Kistner						✓
Lovisollo		✓	✓			
Sasso			✓			
Sirico			✓			
Bernstein			✓			
Quinn			✓			
Yaccarino – Alt. #2			✓			

Carried ☒ Defeated ☐ Tabled ☐

**RESOLUTION LUB 19-21**

**LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR LAUREN & WILLIAM IKIN  
BLOCK 503, LOT 4.01  
(a/k/a 17 IROQUOIS AVENUE)**

**WHEREAS**, the applicants, LAUREN & WILLIAM IKIN, the owners of the property located at 17 Iroquois Avenue, known as Block 503, Lot 54.01 the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey, applied to the Land Use Board of the Borough of Allendale in an application dated August 30, 2019 for approval of a variance for the premises, which is located in the AA zone, from the Allendale Code, Zoning; and

**WHEREAS**, the application seeks a variance since the property and structure is pre-existing non-conforming, and the application specifically seeks to construct an addition to the

**RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: November 20, 2019**

**RESOLUTION# LUB 19-21**

existing dwelling for a dormer addition to the finished attic as well as interior renovations to create a bedroom with an additional bathroom; and

**WHEREAS**, the application seeks specific variance relief for side yard encroachment; and

**WHEREAS**, the Land Use Board considered the matter at the October 16, 2019 regular meeting of the Land Use Board at which the applicants, with counsel, personally appeared and presented testimony from their retained expert in the field of architecture;

**NOW THEREFORE BE IT RESOLVED** by the Borough of Allendale Land Use Board that it hereby makes the following findings of fact and conclusions:

1. Notice of the public hearing was properly given by the applicants in accordance with applicable law.

2. The property is located at 17 Iroquois Avenue, known as Block 503, Lot 4.01, on the Tax Map of the Borough of Allendale. The property is located in the AA residential zone. The application was in evidence.

3. As part of the application, the applicant submitted Architectural Plans prepared by Jordan Rosenberg, RA, dated July 24, 2019, various photographs and a marked-up tax map. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.

4. A variance is required because this property located in the AA residential zone, and due to the structure in place and as proposed as part of the application, there is required a minimum side yard setback of 20 feet. The current condition and proposed addition would result in a right-side yard setback of 17.3 feet. The proposed addition does not result in any actual increase in the side yard encroachment existing at present.

5. The applicant's expert in the field of architecture, Jordan Rosenberg, was sworn and testified as to the unique existing property conditions creating a hardship. Specifically, he testified that the existing lot was undersized and irregular in shape, and that the majority of the developed area of the lot was in the rear third of the property. The home was built in 1928, and is Tudor in style with several historically significant characteristics. There is an existing non-



**RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: November 20, 2019**

**RESOLUTION# LUB 19-21**

conformity with the right-side yard setback of 17.3 feet, wherein 20 feet is required by Code. He testified that the applicants were seeking to construct an addition to the existing dwelling for a dormer addition to the finished attic as well as interior renovations to create a bedroom with an additional bathroom, and he testified in detail as to the plans as submitted and reviewed by the Board. The property also fronts on both Iroquois and Franklin Turnpike.

The proposed addition in the residence would convert an existing attic area, which is an open playroom, to livable space and create a master bedroom suite. A small dormer would be constructed to add headspace in the area. It will be consistent with the roofline, consistent with the neighborhood, not visible from the street and consistent with existing architecture of the premises. A small bathroom will also be added to the new living space. It was testified that due to the calculations of area above the second floor, a variance for attic space living area was not required. All existing landscaping will remain undisturbed. The proposed addition is vertical to the pre-existing non-conforming setback area, therefore necessitating this variance, but it does not further encroach into the setback area, nor does it expand the non-conformity in any manner.

6. No members of the public appeared in connection with the application.

**BE IT FURTHER RESOLVED**, based upon the factual and legal evidence, the testimony and contentions set forth herein, that the Allendale Land Use Board hereby grants the applicant's request for a variance to continue the non-conforming conditions at the premises, and to permit the addition as proposed in the application; and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board hereby determines that the variance hereby granted constitutes a "hardship" variance under N.J.S.A. 40:55 D-70C.(1); and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board specially adopts and accepts the testimony of the applicant and their expert, in connection with the testimony that the applicant is entitled to a "hardship" variance, due to the unique nature of the property, namely the undersized and irregular shape of the lot and the off-center placement of the existing structure in

**RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: November 20, 2019**

**RESOLUTION# LUB 19-21**

the rear of the lot. The application and variance would improve the property and improve the aesthetics and functionality of the property, without any impact on the surrounding properties or the zone. The hardships associated with the present condition of the property and premises outweigh the negative criteria to the Borough zoning ordinances and the zone plan and neighborhood. In addition, the variance requested will not expand the present non-conforming condition and will not be obtrusive due to the placement and configuration of the primary structure on the lot, the location of the proposed dormer/addition towards the rear of the existing premises and shielding from the existing vegetation which will remain. In addition, the architecture will be consistent with the present architecture; and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board hereby grants approval of the requested variance, subject to the following conditions, which shall be complied with prior to the issuance of a construction permit:

- A. All fees and assessments required by ordinances, and due and owing to the Borough of Allendale for this site for professional review and approval of the applicant's plans, shall be paid in full to the Borough of Allendale by the applicant.
- B. Surface and roof run-off must be addressed in consultation with the Borough Engineer so that there is safe and adequate drainage of surface and roof run-off, so as not to impact adjoining properties and/or the street.
- C. There shall be no kitchen facilities in the newly converted attic space, and the attic space shall not be converted to a separate, stand-alone apartment.

**BE IT FURTHER RESOLVED** construction shall proceed in accordance with this Resolution, the approved plans and drawings marked in evidence, the testimony of the applicants



**RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: November 20, 2019**

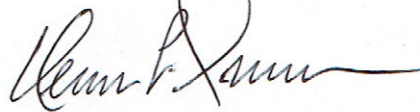
**RESOLUTION# LUB 19-21**

and in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.

**BE IT FURTHER RESOLVED** that the Land Use Board Secretary shall mail a copy of this Resolution within ten days from the date of adoption thereof to the applicant or to their attorney, if any, without charge; and to all other persons who request the same and pay the required fee therefore. The Secretary shall also file a copy of this Resolution in the offices of the Borough Clerk, Building Inspector, Construction Code Official, Tax Assessor and the Borough Attorney and shall publish a brief notice of the decision in the official newspaper, the cost of which shall be paid for by the applicant.

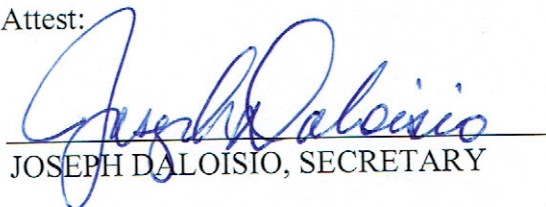
Approved:

ALLENDALE LAND USE BOARD



\_\_\_\_\_  
KEVIN QUINN, Chairman

Attest:

  
\_\_\_\_\_  
JOSEPH DALOISIO, SECRETARY

Adopted: 11/20, 2019