

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

DATE: September 19, 2018

RESOLUTION# LUB 18-22

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen						
Daloisio						
Davis						
Kistner						
O'Toole						
Sasso						
Sirico						
White						
Quinn						
Kearl – Alternate						
Lovisololo - Alternate						

Carried Defeated Tabled

**LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR LAURA GILL
BLOCK 1501, LOT 4
(a/k/a 28 SCOTT STREET)**

WHEREAS, the applicant, Laura Gill, the owner of the property located at 28 Scott Court, known as Block 1501, Lot 4 on 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 July 17, 2018 for approval of a variance for the premises, which is located in the AAA zone, from the Allendale Code, Zoning; and

WHEREAS, the application seeks a variance since the property and accessory structure is pre-existing non-conforming, and the application specifically seeks to expand the existing detached cabana; and

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WHEREAS, the application seeks specific variance relief for the expansion of an accessory structure, since the accessory structure and property are non-conforming to Section 270-14B.(3) of the Allendale Borough Code by virtue of being on a corner lot, and the accessory structure is located within the front half of the lot along Scott Court, in; and

WHEREAS, the Land Use Board considered the matter at the August 15, 2018 regular meeting of the Land Use Board at which the applicant, Laura Gill, personally appeared and testified;

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 applicant in accordance with applicable law.
2. The property is located at 28 Scott Court, known as Block 1501, Lot 4, on the Tax Map of the Borough of Allendale. The property is located in the AAA residential zone. The application was in evidence.
3. As part of the application, the applicant submitted architectural sketches, a description of the proposed structure, a marked-up tax map excerpt, a marked-up survey and photographs. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.
4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated August 9, 2018. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.
5. A variance is required because in the AAA residential zone, and in the case of a corner lot fronting on two streets, no accessory building shall be erected or altered so as to encroach upon that area of the lot between each street and a line drawn parallel to such street in a manner to divide the lot into two equal parts. Section 270-14B.(3).

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6. The applicant was sworn and testified that she was seeking to construct an addition to the existing accessory structure (cabana) to expand the roofline of the cabana over an open patio. She also testified that the addition would be aesthetically pleasing to the property, functional for her family and would not be observable from the roadway due to vegetation. She also testified as to the unique existing property conditions, such as the corner lot, the fact that Scott Court was a dead-end cul-de-sac, the existing vegetation on the rear and sides of the property, and the L-shaped ranch house as the primary residence.

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

BE IT FURTHER RESOLVED, based upon the factual and legal evidence, testimony and contentions set forth herein, that the Allendale Land Use Board hereby grants the applicant's request for a variance to expand the non-conforming accessory structure at the premises; 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 the Borough Engineer, in connection with the testimony that the applicant is entitled to a "hardship" variance, due to the unique nature of the property on the corner lot, the placement of the accessory structure, the existing non-conformity, and the testimony that there will be no or negligible impact on the surrounding properties and zone plan. 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 greatly outweigh the negative criteria to the Borough zoning ordinances and the zone plan and neighborhood. In

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addition, the variance requested will not excessively expand the present non-conforming condition, and will not be obtrusive due to the existing lot size and shielding from the existing vegetation which will remain; and

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby grants approval of the requested variance, subject to the following condition, 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.

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.

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Approved:

ALLENDALE LAND USE BOARD

KEVIN QUINN, Chairman

Attest:

JOSEPH DALOISIO, SECRETARY

Adopted: September 19, 2018