

PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT  
MEMORIALIZING RESOLUTION  
MARK & NICOLE PIEKLO  
17 ACKERSON AVE  
Block 3903, Lot 14

WHEREAS, the applicants are the owners of property located at 17 Ackerson Ave, Pompton Plains, New Jersey, Block 3903, Lot 14, located in the R-15 zone district; and

WHEREAS, the applicants have requested approval to construct an addition to an existing split-level single family dwelling which would reduce the front yard facing Ackerson Avenue to 46.5 feet, and increase the building coverage from an existing 18.02% to a proposed 18.59% in this zone district which limits building coverage to 15%; and

WHEREAS, testimony was taken at public hearings on April 1, 2010 and May 6, 2010, at which time the Board took sworn testimony and the applicant and the public were afforded the opportunity to be heard and participate in the application and to make comments; and

WHEREAS, the Board has reviewed and considered all of the evidence and the testimony at the public hearing from which the Board makes the following factual findings:

1. All proper public notice has been given in accordance with the municipal land use law.
2. The subject property is a flat, rectangular lot located at the southwest corner of the intersection of Daria Drive and Ackerson Avenue. It is presently improved with a one and-a-half story, split-level, frame, single family dwelling and an in-ground swimming pool.
3. The applicants originally proposed at the April meeting to construct an addition to the north and east sides of the house which would have reduced the front yard facing Ackerson Avenue to 46.5' and increased the building coverage from 18.2% to 19.55%. At the May meeting revised plans were presented proposing the same front yard setback, but reducing the proposed building coverage to 18.59%.
4. At the April meeting, the Board pointed out that the plan submitted with the original application is in error in that it showed a front yard set-back to be slightly more than 50 feet, but failed to take into consideration the proposed covered front porch which should also have been included. Therefore the existing front yard setback is 46.5 feet, not slight more than 50 feet.
5. The Board also noted that it was not possible to determine the exact building coverage on this lot because the calculations were not provided on the original plans. In particular, there is a substantial deck on the south side of the existing residence and it is not clear where that deck was included in the building calculations, or not.

6. Based upon the various inconsistencies, the Board requested at the April meeting that the applicants provide revised plans at the May meeting as well as discuss with their architect alternate possibilities for this addition without any additional variances for this property. The applicants returned with revised plans at the May meeting which satisfy the Board's concerns to the maximum extent possible.

7. There is also a two and-one-half foot chimney on the Daria Drive façade, which was shown on the original plans. However, the revised plans showed the chimney to be 18". Based upon the advice of the Board planner the Board has not considered the chimney as an intrusion into the Daria Drive secondary front yard. In addition, the material submitted with the application, including the Board planner's report dated March 5, 2010, indicate that the purpose of the addition is to "square off" the northeast corner of the house. At the May meeting, the applicant's revised plans carried into effect that purpose. The proposed edition was substantially reduced so that there is no change in the secondary front yard setback, except that there is an 6' extension of the intrusion into the front yard which would create a front yard setback of 46.48 feet.

8. No members of the public appeared at either public hearing to testify in connection with this application.

Based upon the above factual findings, the Board has reached the following conclusions:

1. The benefits of granting the requested variance substantially exceed any detriment which there may be, and the Board finds that there is no detriment.

2. The benefit to the public is the enhanced visual environment in the neighborhood and the creation of additional ratable for the Township.

3. The requested variances can be granted without substantial detriment to the zone plan, zoning ordinance or the public good.


NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Pequannock this 3<sup>rd</sup> day of June, 2010 that it now ratifies, memorializes and adopts the action taken at its meeting on May 6, 2010 granting the application of Mark and Nicole Pielko for a front yard setback of 46.5 feet instead of the required 50 feet and building coverage of 18.59% instead of the 15% permitted, subject to the following conditions:

1. All construction will be in substantial conformity with the plans presented at the May meeting of the Board entitled "Proposal Duration and Addition for the Pieklo residence, 17 Ackerson Avenue, Block 3903, Lot 14, Pequannock, New Jersey" dated January 25, 2010 and most recently revised April 12, 2010.

2. Any and all outstanding construction permits of any type must be closed out and all previously approved improvements to the house be completed before the issuance of any permits required for the work permitted in this resolution.

3. No permits and/or certificate of occupancy shall be issued for the construction permitted by this resolution, unless and until all fees, costs and escrows required in connection with this application have been paid in full.

I hereby certify that the above is a true copy of a resolution adopted by the Board of Adjustment of the Township of Pequannock at its regular meeting on June 3, 2010 by a vote 6 to 0.

  
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Linda Zacharenko, Secretary