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60 Union Street, #1N, Newark NJ 07105

Completeness and Planning Report #1

Date: March 27, 2020

To: South Orange Zoning Board

From: Greer Patras, AICP, PP, Board Planner

Applicant: Todd and Katherine Wiggins
215 North Woods Drive, South Orange, NJ 07079

Subject: **Application #1040**
215 North Woods Drive (Block 105, Lot 12)
Bulk Variance Application

The purpose of this report is to provide the Board with guidance as to the review of Application #1040 submitted by Todd and Katherine Wiggins. The property at 215 North Woods Drive (Block 105, Lot 12) currently consists of a single-family dwelling and the Applicant is proposing to install a fence in their front yard, which requires "c" bulk variances.

Given the limited scope of the proposal, the Applicant has requested a combined completeness and planning review.

The following items were reviewed:

- **Completed Planning Board & Zoning Board Application Form and Submission Checklist**, filed March 03, 2020.
- **Location Survey**, consisting of one (1) sheet, prepared by George J. Anderson of Professional Land Surveyors, dated October 03, 2019.

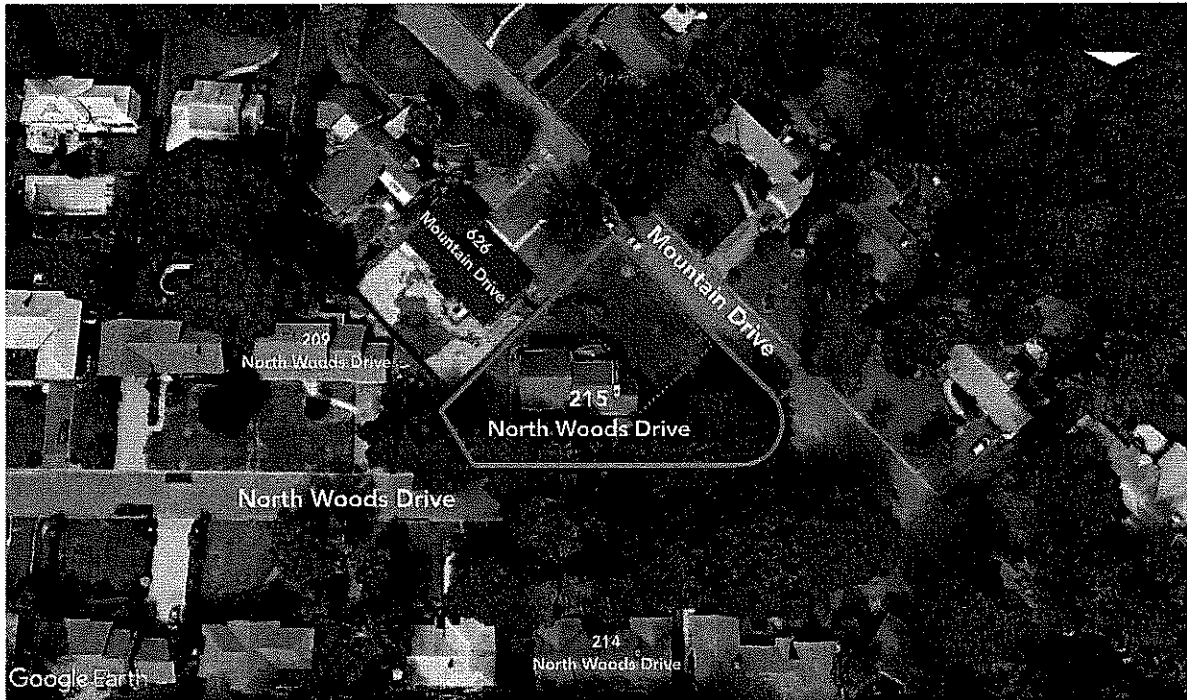
I. SITE DESCRIPTION

The property is a 0.38-acre (16,685 SF) lot and contains a 2.5-story single-family dwelling, with a paved driveway from North Woods Drive that leads to an open porch. The property is corner lot, with frontages on both North Woods Drive to the east and Mountain Drive to the north, and is particularly uniquely situated, as it has a nearly triangular shape.

The Site is within the RA-100 Residential Zone, is surrounded by residential uses which are similar in size but are on more typically shaped rectangular lots, and is in close proximity to the Rock Spring Golf Club and Gregory Elementary School.

II. PROPOSAL

The Applicant proposes to install a 5' tall fence from the east side of the front porch, to Mountain Drive and along the Mountain Drive northerly frontage, continuing along the western side property line adjacent to 626 Mountain Drive and 209 North Woods Drive, and meeting back with the front of the house on North Woods Drive (see illustrative map below) The fence will serve as a "border" to create a "rear yard" and would be semi-transparent, constructed with either a wood picket or aluminum.



Aerial Courtesy of Google Earth; site labels and features for added for illustrative purposes only

III. COMPLETENESS DETERMINATION

At this time, we find that the submitted documents are sufficient for review. We recommend this application be deemed "complete", subject any outstanding requirements requested by the Board.

IV. ORDINANCE DISCUSSION

- A. The lot is a corner lot, and North Woods Drive and Mountain Drive are both considered "front yards". A front yard is defined as "the area within and extending the full width of the lot between the street line or its vertical projection and the part of the building nearest thereto and its extensions to the side lot lines."
- B. For typical lots, per Section 185-167(F), fences are not permitted in any front yard.
- C. Per Section 185-167(I), special provisions are made to permit some fencing on corner lots with two "front yards". Fences on corner lots are permitted subject to the following:
 1. A fence may run parallel to any other contiguous street from the front setback line of the building on the lot to the end of the property.
 2. The fence shall not be constructed in the municipal right-of-way.
 3. The fence shall be at least one foot from the sidewalk.
 4. No solid fence may be constructed. All fences shall be semitransparent (e.g., 1 x 2 wood screen contemporary picket or wrought iron) or transparent (e.g., hedge or split rail).
 5. No fence shall exceed 42 inches in height.
 6. Property owners are requested but not required to buffer the fences with shrubs or flowers on the street side. Such buffer shall not impede pedestrians walking on the sidewalk.
 7. In those cases where a property owner on a side lot has a fence on the front and side of the property, the fence on the front and side shall be identical in composition and height.
 8. If an issue arises as to what constitutes the front or side of a corner lot, a determination shall be made by the Zoning Officer, who shall take into consideration appropriate factors, including but not limited to the following: any definitions contained in § 185-3; where the front door of the house is located; whether the property is on a main street or side street; whether there are other houses fronting on the street; and the post office address for the property. Any appeal from the Zoning Officer's decision shall

be made to the Board of Adjustment, which may only overturn the decision of the Zoning Officer if it finds that there is no basis for the decision made by the Zoning Officer.

For the purpose of this application and as it relates to the front yard for fencing specifically, North Woods Drive is the "true front" and Mountain Drive shall be the "side front."

V. VARIANCE DISCUSSION

- A. **Variances Required:** The site has 2 (two) proposed non-conforming bulk conditions, requiring "c" bulk variance relief from Section 185-167(l).
1. **Fence in Front Yard** - The Applicant is proposing to install a fence along Mountain Drive, which is technically considered a front yard and is not permitted.
 2. **Fence Height** - The Applicant is proposing to install a 5' tall fence, where a fence of no more than 42" is permitted.
- B. **"C" Variance Proof Standard:** The Applicant must prove and the Board must find that the necessary criteria for "c(1)" and/or "c(2)" variances, identified by the Municipal Land Use Law at section 40:55D-70, have been satisfied.

Due to the unique shape of the lot, it appears a c(1) variance applies. To grant this variance, the Applicant must prove hardship:

- a. by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or
- b. by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or;
- c. by reason of an extraordinary situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act (40:55D-62 et seq.) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such a property, grant, upon an application or an appeal relating to such a property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship

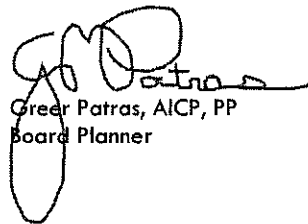
and that such relief from the zoning ordinance will not be substantially detrimental to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

VI. PLANNING COMMENTS:

- A. The Applicant should provide an overview of the application, including testimony regarding all existing site conditions and proposed changes.
- B. The Applicant shall provide testimony in support of the location, height, materials, and colors of the proposed fence.
- C. Testimony should be provided regarding any impacts to adjacent properties and any proposed improvements to mitigate these negative impacts.

If you have any questions regarding this application, please feel free to contact our office.

Sincerely,



Greer Patras, AICP, PP
Board Planner

