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Planning Report #2

Date: February 25, 2021
To: South Orange Zoning Board
From: Greer Patras, AICP, PP, Board Planner
Applicant: Avery Hackett
Subject: Application No. 1044
12 Glenview Road, Block 1602, Lot 3
Bulk Variance Relief

This report is meant to provide the Board guidance in its review of Application #1044, submitted by Avery Hackett (the "Applicant"). The Applicant proposes an addition of a deck to the rear of the existing dwelling, thus decreasing the rear yard setback and increasing the lot coverage which requires "c" bulk variance relief.

On February 19, 2021, our office received revised Engineering Plans addressing the comments of our February 3, 2021 Planning Report #1. This Planning Report #2 serves to update our comments based on the revised submission. The following items were submitted and reviewed for this report:

- A. **Zoning Board Application Submission**, filed December 18, 2020.
- B. **Site Plan**, consisting of nine sheets prepared by Babatunde Adewunmi of Babs Engineering, PC, dated July 7, 2020 and last revised on January 15, 2021.
- C. **Property Survey**, consisting of one sheet prepared by James M. Helb, PE, PLS, PP of JMH Associates, dated January 4, 2020.
- D. **Revised Site Plan**, consisting of one sheet prepared by Babatunde Adewunmi of Babs Engineering, PC, dated February 15, 2021.
- E. **Response Letter**, consisting of two pages prepared by Babatunde Adewunmi of Babs Engineering, PC, dated February 15, 2021.

I. EXISTING CONDITIONS

- A. **The Site:** The site is a 10,011 SF (0.23-acre) lot and has frontage along Glenview Road. The lot contains a 2-story single-family dwelling with a macadam driveway, along with a slate patio and concrete walkways. The site is within the Residential RA-100 zone.



- B. **Neighborhood Context:** The Site is surrounded by residential dwellings and is within close proximity to the South Orange/Maplewood border. The Site is located along Glenview Road which is a municipally owned roadway and connects to South Orange Avenue (County Route 510). The Site is also located near the South Mountain Elementary School and the Gramon Elementary School.



II. PROJECT PROPOSAL

The Applicant proposes the following interior and exterior modifications:

A. Deck:

1. The Applicant proposes to install a 512.72 SF deck to the rear of the existing dwelling which decreases the rear yard setback from 21.53' to 11.48', thus not satisfying the 16' minimum rear yard setback requirement.
2. The addition of the deck will also increase the lot coverage from 38.02% to 40.83%, thus exacerbating the 30% maximum requirement.

B. Basement:

1. Creation of a new ½ bathroom
2. Expansion of existing bathroom

C. First Floor:

1. Removal of a bedroom
2. Creation of a full bathroom
3. Expansion of existing bathroom
4. 58.66 SF building expansion for sunroom with new windows plus exterior landing area and stairs

- D. **Bulk Chart:** Compliance with the bulk requirements of the RA-100 zone are as follows:

Lot 3	Required	Existing	Proposed
Lot Area (Min.)	10,000 SF	10,011 SF	No change
Lot Width (Min.)	175'	104.25' (E)	No change
Front Yard Setback (Min.)	25'	32.27'	No change
Side Yard Setback (Min.) (East)*	8.7'	28.22'	No change
Side Yard Setback (Min.) (West)*	8.7'	8.86'	No change
Rear Yard Setback (Min.)	16'	21.53'	11.48' (V)
Lot Coverage (Max.)	30%	38.02% (E)	40.83% (V)
Building Height (Max.)	2.5 Stories / 35'	2 stories / 24.37'	No change

(E) Existing Non-conforming (M) Variance Required

*Side yard setback measurement: 4 feet plus one inch for each foot of average lot width in excess of 48 feet to a maximum of 12 feet.

III. BULK VARIANCE DISCUSSION

A. The Site has one existing non-conforming condition that is not proposed to change:

1. Section 185 Attachment 3: Lot Width

- Required: 175' (Min.)
- Proposed: 104.25'

B. The Applicant requires the following new "c" bulk variances:

1. Section 185 Attachment 3: Rear Yard Setback

- Required: 16' (Min.)
- Proposed: 11.48'

2. Section 185 Attachment 3: Lot Coverage

- Required: 30% (Max.)
- Proposed: 40.83%

C. "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. The criteria are as follows:

1. For a c(1) 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.

2. For a c(2) variance, the Applicant must prove:

- a. that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and
- b. that the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance (negative criteria).

IV. PLANNING COMMENTS

1. The Applicant should provide testimony regarding all existing and proposed conditions and variances requested. Per the Applicant's response letter, the basement and first floor improvements have been approved by the Building Department. As of the issuance of the report, this has yet to be confirmed by the Building Department. The status of open permits should be discussed to clarify scope of this application.
2. Testimony should be provided regarding the request for a reduced rear yard setback and any potential impacts to adjacent properties. This should include proximity to adjacent residential structures. The Applicant should present mitigating factors for the reduced setback, such as architecture, screening with fences, or landscape buffering to reduce the impacts to neighbors.
3. The existing impervious coverage is 38.02%, and the proposed coverage is 40.83%, where maximum 30% is required. Approximately 231 SF of rear walkways and pads are being removed as part of the application, and will be replaced by the 512 SF deck, for a net increase of 281 SF, which is an 2.81% increase in lot coverage.

Testimony should be provided regarding all efforts to mitigate the variance, and whether a commensurate amount of lot coverage could be removed to offset the increase proposed. The Applicant should also consider stormwater mitigation techniques such as dry wells, rainwater harvesting, or bioswales. Sheet T-1 of the revised plans have added a seepage pit in the eastern side yard. We defer comments regarding these issues to the Board/Village Engineer.

4. If the Board approves this application, revised plans should be submitted to address the comments of the Board Professional reports and contain a list of all conditions of approval. This must be submitted for review and approval prior to submission for building permit.

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

Sincerely,



Greer Patras, AICP, PP
Board Planner