

ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MANSFIELD

RESOLUTION NO. 2015-11-03

**CONCERNING THE APPLICATION OF
CHRISTOPHER IRICK
VARIANCE APPROVAL**

WHEREAS, Christopher Irick has applied to the Zoning Board of Adjustment of the Township of Mansfield for variance approval for property located at 2218 Old York Road, known as Block 54.02, Lot 4.03, on the Official Tax Map of the Township of Mansfield, for the purpose of constructing a detached garage; and

WHEREAS, variances pursuant to N.J.S.A. 40:55D-70(c) are required because the proposed detached garage, together with an existing attached garage, exceed the aggregate size limitation for garages in the R-1 Zoning District and the number of accessory buildings will exceed the number of accessory buildings permitted on a lot less than three (3) acres; and

WHEREAS, the Application was deemed complete by the Zoning Board on November 2, 2015; and

WHEREAS, the Applicant presented evidence to the Zoning Board of Adjustment through testimony, plans and other evidence; and

WHEREAS, a Public Hearing to consider the Application for Variance Approval was held by the Zoning Board on November 2, 2015, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Mansfield and the Statutes of the State of New Jersey; and

WHEREAS, the Zoning Board of Adjustment after carefully considering the evidence presented by the Applicant in support of his application for variance approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is the owner of Block 54.02, Lot 4.03, a 2.20 acre lot located at 2218 Old York Road in the Residential – 1 (R-1) Zoning District of the Township (the “Property”). The Property is improved with a one-story single-family detached residential dwelling, a detached frame garage building and two (2) wooden sheds.

2. The Applicant has submitted an application for variances from the ordinance requirement pertaining to the aggregate size of garages and the number of accessory structures in the R-1 Zoning District.

3. The taxes on the subject property are current.

4. The Applicant has paid and/or posted all required fees and agreed to keep his review escrow current.

5. Proper notice of the application for variance approval has been given, as based upon the certified list of property owners provided to the Applicant by the Township Tax Assessor.

6. The Applicant is proposing to construct a 960 square foot detached garage, measuring 40 feet by 24 feet, on the Property.

7. The existing detached garage is approximately 1,400 square feet in size.

8. Garages are permitted accessory uses in the R-1 Zoning District. The aggregate size of attached and detached garages on a property in the R-1 Zoning District is limited to 1,000 square feet and the number of accessory buildings on a residential lot less than 3 acres in area in the R-1 Zoning District is limited to one (1) accessory building.

9. The Applicant's proposed development of the Property will require variances to permit the aggregate size of garage buildings to exceed 1,000 square feet and to permit the number of accessory buildings to exceed one (1) accessory building.

10. After being duly sworn, the Applicant testified at the November 2, 2015 Public Hearing as follows:

- a. He is the owner of the Property;
- b. He is a retired firefighter and collects antique fire trucks;
- c. He also collects antique cars;
- d. The proposed garage will be used to store the antique cars so that he can work on the fire trucks in the larger garage building;
- e. The existing garage is 1,442 square feet in size;
- f. The Property has 2 wooden sheds, as the wood shed shown on the survey submitted with the Application as located on adjacent Lot 4.01 was recently moved onto the Property;

- g. The proposed garage is very basic, no utilities will service the garage, no insulation is proposed and it will have metal siding;
- h. The proposed garage will be 40 feet by 24 feet and will be 12 feet in height at its peak;
- i. The proposed garage will have three (3) bays and one (1) entry door;
- j. The Property is surrounded by open space and swamp land;
- k. The garage will be set back 300 to 400 feet from the road;
- l. Adjacent neighbors will not be able to see the proposed garage;
- m. There will be a concrete floor inside the proposed garage but no concrete apron;
- n. No lights will be installed on the new garage;
- o. He does not object to removing one of the existing wooden sheds within 6 months;
- p. There will be no commercial use of the proposed garage, it is for his own personal use.

11 The November 2, 2015 Hearing was opened to the Public without comment.

12. The Applicant is requesting variance approval to allow him to construct the detached garage as proposed, for better utilization of the Property and to enhance the visual experience of his Property and neighborhood.

13. Without variance approval, the Applicant would be unable to construct the garage as proposed, which is otherwise in conformance with the Land Use Ordinance of the Township of Mansfield.

AND WHEREAS, based upon the above factual findings, the Zoning Board of Adjustment has come to the following conclusions:

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the Township of Mansfield would be advanced by the deviation from the ordinance requirements as specified herein for the number of accessory buildings and the aggregate size of garages in the R-1 Zoning District, as requested by the Applicant.

2. The benefits of the deviation from the ordinance requirements specified herein would substantially outweigh any detriment to the public good by the deviation from such

requirements, as variance approval would allow for the development of the Property as proposed by the Applicant, and otherwise promote the safety, health and general welfare of the Community.

3. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Mansfield.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Mansfield, on the 2nd day of November, 2015, that this Board hereby grants to the Applicant variances to permit the construction of the proposed 960 square foot garage resulting in (i) the aggregate size of the existing and proposed garage being 2,402 square feet and (ii) four (4) accessory buildings to be located on the Property, in accordance with the Application, plans, survey and testimony submitted by the Applicant and subject to the following conditions:

1. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township's Land Use Coordinator.

2. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the required building permit, certificate of occupancy or zoning permit be issued.

3. Subject to the comments of the Board Engineer as contained in the October 13, 2015 review letter of Stout & Caldwell Engineers, LLC by Mark E. Malinowski, PE, except as may be modified herein.

4. Subject to the comments of the Board Planner as contained in the October 27, 2015 review letter of Environmental Resolutions, Inc., by Barbara J. Fegley, AICP, PP, except as may be modified herein

5. Subject to the sworn testimony provided by the Applicant at the November 2, 2015 Public Hearing.

6. Subject to this approval not guaranteeing the issuance of permits for the construction of the garage. The Applicant is required to comply with all requirements for the issuance of any required permit.

7. Subject to the wood shed adjacent to Lot 3.01, as shown on the survey submitted by the Applicant, being removed within 6 months of this approval.

8. Subject to no utilities servicing the new garage building.

9. Subject to the Property being properly graded so that stormwater runoff does not adversely impact the neighbors' properties; stormwater runoff from the new garage shall run to the existing stone driveway. The Applicant is responsible to ensure that proper grading and drainage is provided for the proposed improvements and that stormwater runoff conditions are not negatively impacted by the new construction on the Property.

10. Subject to the height of the detached garage not exceeding 12 feet to the garage's peak.

11. Subject to the detached garages being for personal use only. No business/commercial use of the detached garages is permitted.

ROLL CALL VOTE

AYE: James Soden, William Tahirak, Robert Harrison, Barry Winn, John Beckes, Robert Gawron, Marion Hay.

NAY: None

ABSTAIN: None

ABSENT: Tarantino, Wainwright

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Zoning Board of Adjustment of the Township of Mansfield in accordance with its decision at its regular meeting on November 2, 2015.

**THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF MANSFIELD**

Attested:

JAMES SODEN, CHAIRMAN

ASHLEY JOLLY, SECRETARY

Dated: 12/1/2015

Date of Approval: 11/2/2015

Date of Memorialization: _____