

RECEIVED

AUG 23 2021

PLANNING / ZONING / ENGINEERING
TWP. OF BERKELEY HGTS, NJ

Application No. 18-21
Date of Filing 8/23/21

Application Fee \$150.00
Escrow \$250.00

APPLICATION TO ZONING BOARD OF ADJUSTMENT, Berkeley Heights, NJ

NOTE: It is the responsibility of the applicant to specify in this application all requests for relief from any section of the ordinance that may be needed. Should any unspecified violation be found prior to or during the course of a public hearing, no such relief can be granted and the case cannot be permitted to proceed without re-advertising the notices. If the failure is not discovered by the Board until it commences its deliberation after closing the public hearing, the result may be a denial of the entire application, or the grant or recommendation that the variance be granted limited to the specific relief requested, which will result in the necessity for a re-application to obtain the remaining relief required.

In the matter of the petition of HARRY + GAIL HUNTER for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name HARRY + GAIL HUNTER residing at 162 Hillside Ave
Telephone No. 908 898 0031 Fed.ID# (if applicable) _____

1. Petitioner is OWNER of property at 162 Hillside Ave, Block 2702, Lot 41 on the Tax Map located in the R-15 Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required:
CONSTRUCTION OF A REPLACEMENT SIDED DECK 12' X 13' BY NEIGHBORS FIRE IN SYSTEM

3. Does the Application concern a request for Certificate of Nonconformity? N
Does the Application concern a Use Variance? N and: a) Site Plan N b) Subdivision N

NOTE: If Application concerns site plan or subdivision, appropriate plans and additional forms must be filed with the Zoning Board of Adjustment as an additional part of the Application.

4. The proposed building/subdivision/use is contrary to Article 6.1 Section 6.1.B of the Zoning Ordinance.
8.1 8.1.B

5. a. Description of the Property:

	Required See Attached Schedule 6.1.1B	Existing	Proposed	Variance Required: Y/N
Lot Area (sq. ft.)	15000	13733	13733	nonconforming
Lot Width	100'	90'	90'	N
Lot Depth	130'	152'	152'	N
Front Setback	50'	40.7'	40.7'	nonconforming
Side Setback	12'	9.7'	9.7'	N
Side Setback	18'	27.7'	27.7'	N
Combined side setbacks	30'	37.6'	37.6'	N
Rear Setback	40'	75'	75'	N

b. NOTE: DO NOT INCLUDE DECK IN THIS SECTION:

- 1-Area of existing structures (house, attached garage, covered porch) to remain 1471 sq. ft.
- 2-Area of proposed structures (house, attached garage, covered porch) SHED 180 sq. ft.
- 3- Total area to be occupied by structures 1651 sq. ft.
- 4-Area of existing Accessory Items (detached garage, patio, driveways, walks, pool, shed) 2007 sq. ft.
- 5-Area of proposed Accessory Items (detached garage, patio, driveway, walks, pool, shed) 0 sq. ft.
- 6-Total area to be occupied by Accessory Items 2007 sq. ft.
- 7-TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS 3478 sq. ft.
- 8-TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS 3658 sq. ft.

c. Accessory structures (if applicable): SHED
 (type: shed, deck pool, etc.)
 Area proposed 120 square feet
 Maximum height proposed 8' 6" feet
 Proposed Set Backs
 Side 8' Side - Rear 8'

		Maximum Allowed	
		R-15/20 Zone	R-10 Zone
d. Coverage (from 5.b., Page 1)			
Existing structures (Item 1/sq.ft. of lot)	<u>16.71</u> percent	15%	20%
Existing accessory items (Item 4/sq.ft. of lot)	<u>14.61</u> percent	10%	10%
Total existing lot coverage	<u>25.33</u> percent	25%	30%
Total existing impervious (Item 1 + Item 4/sq. ft. of lot)	<u>25.33</u> percent	25%	30%
Proposed structures (Items 1 + 2/sq. ft. of lot)	<u>12.02</u> percent	15%	20%
Proposed accessory items (Items 4 + 5/sq. ft. of lot)	<u>14.61</u> percent	10%	10%
Total proposed lot coverage	<u>26.67</u> percent	25%	30%
Total proposed impervious (Items 1+2+4+5/sq. ft. of lot)	<u>26.67</u> percent	25%	30%

6. Has there been a previous petition for relief involving the property? N (If yes, attach Resolution.)

7. Facts in support of petitioner's relief:
REPLACE EXISTING SHED THAT WAS DESTROYED

8. Set forth the particular Statute under which this Application is made (NJSA 40:55D-70)
 a) Appeal _____ b) Interpretation _____ c) Hardship d) Use _____

9. Has the Building or Zoning Department examined the plans for the proposed building and refused a building permit? If Yes, please attach the Zoning Officer's Denial letter.

10. If the property is not owner occupied, name the Lessee and Use of the existing building and premises _____

If the property is not to be owner occupied, name the Lessee and the proposed Use of the building and premises. _____

11. Attach hereto and made a part hereof are the following:
- a) Complete set of plans of any proposed building alteration or extension, including all items set forth in instructions
 - b) 200-foot radius map and copy of certified list (provided by the Township) of property owners within 200 feet
 - c) Architectural plans or equivalent

I hereby certify that the above statements made by me and the statements contained in the papers submitted herewith are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

[Signature]
 Petitioner Signature
162 Housman Ave
 Address Pennington NJ 07922
908 898 0031 973 896 4189
 Phone Cell Phone
BOGEYHARRY@GMAIL.COM
 E-Mail Address



Berkeley Heights Township
 ZONING
 29 PARK AVE
 BERKELEY HEIGHTS, NJ 07922
 908-464-2700, 2115
 TBOCKO@BHTWP.COM

Application Date: 10/5/2020
 Application Number: ZA-20-604
 Permit Number: _____
 Project Number: _____
 Fee: \$40

Denial of Application

Date: 10/19/2020

To: HUNTER, HARRY & GAIL
 162 HILLSIDE AVENUE
 BERKELEY HEIGHTS, NJ 07922

CC:

RE: 162 HILLSIDE AV
 BLOCK: 2402 LOT: 41 QUAL: ZONE: R-15

DEAR HUNTER, HARRY & GAIL,

The property owner has received a violation notice, #ZV-20-00023, due to constructing a residential storage shed without zoning review and approval. Upon homeowner receipt of the notice, paperwork has been submitted for the shed.

Your zoning application has been denied.

Section 6.1.1B "Schedule of General Regulations";

The maximum shed size permitted is 100 sq. ft., where 180 sq. ft. is proposed or built on-site. Minimum setbacks from a property line, rear and side, for an accessory structure (shed) is 10 feet. Based on an on site inspection the shed does not comply to the required setbacks.

REVISED - 11/9/2020 (added), maximum total lot coverage allowed is 25% of the lot area, where nonconforming 25.33% is existing and 26.64% is proposed.

Section 8.1.3 Restoration - Once a nonconforming building has been destroyed it shall be reviewed, approved and restored to a conforming size and location.

Note:

Survey map dated 1/20/03 submitted with the zoning application, indicates a shed, 8' x 12' (96 sq. ft.) conforming in size & location. The survey submitted is not to scale, however an enlargement of the survey shows somewhat accurate locations and sizes. The shed constructed without zoning review does not mirror the shed on the survey map for location (6' rear and side yard setback?) and size (10' x 18' x height?) and is denied and shall be removed or a variance approval obtained for the shed location and size.

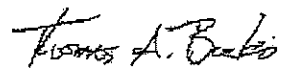
Existing nonconforming; lot area, lot width, principal front & side yard setback, other and total lot coverage.
 FEMA Flood Zone Determination - Panel 17F Zone X

Variance approval is required to be obtained from the Zoning Board of Adjustment in order to retain the shed location and size!

You have a right to appeal this determination to the Berkeley Heights Zoning Board of Adjustment. Please call Connie Valenti at 908-464-2700, ext., 2124.

If a variance application is not started with the Board Secretary by November 3, 2020 a summons for noncompliance shall be issued. You are to inform the zoning office of your choice to make application for a variance or remove the shed structure built without approval.

Sincerely,


 Thomas A. Bocko - Zoning Officer

11/9/2020

**REVISED
 PLANS**

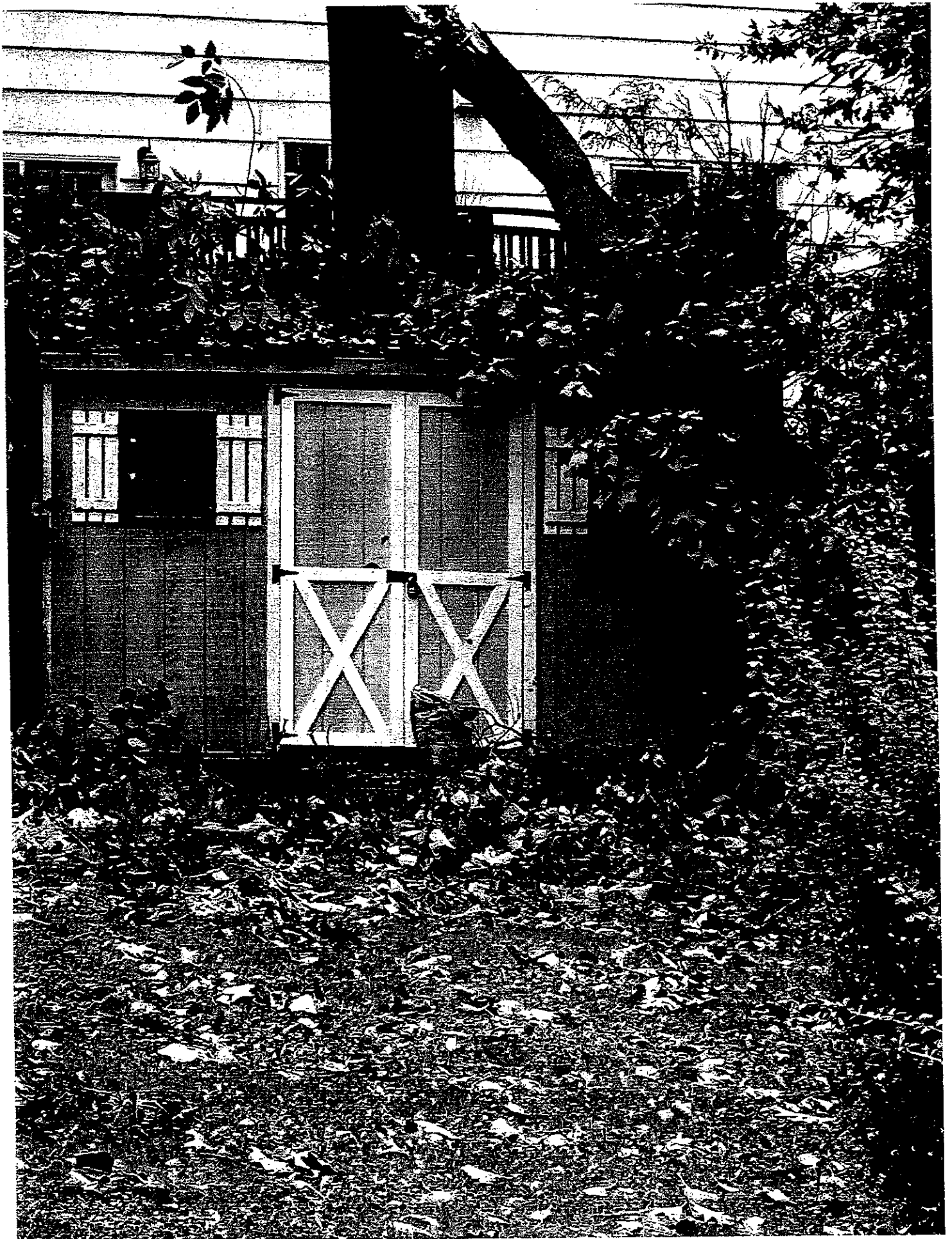
162 Hillside Avenue; Berkeley Heights, NJ 07922

On August 4, 2020 Tropical Storm Isaias caused damage to the property located at 162 Hillside Avenue. A rather large tree limb from my neighbor's house located behind me at 25 Wentworth Drive fell through my storage shed in my backyard and destroyed the shed and part of my fence that borders my property. The limb dropped at least 30 plus feet. When we bought the house in 2003, the shed was part of the purchase as illustrated on my survey dated January 20, 2003 (copy enclosed). When the landscaping company came to start the cleanup of the damage from the tree limb, they noticed that the tree may be damaged as the tree limb was not solid and may show some sign of disease. This tree should be looked at as if it is diseased it may cause future property damage. I was informed that since there was a shed already on the property and, I was repairing and replacing the damage property I did not need a permit. If I was informed incorrectly, I apologize. Due to the grade of the property not being level, (the damaged shed was constructed on building block causing it not to be 100% level), we replaced the block with a level platform to compensate for the grade. The shed is 8 feet high; 8 feet 6 inches to the peak. The shed is just under 10 feet by just under 18 feet. Please let me know if you need anything else. Thank you.

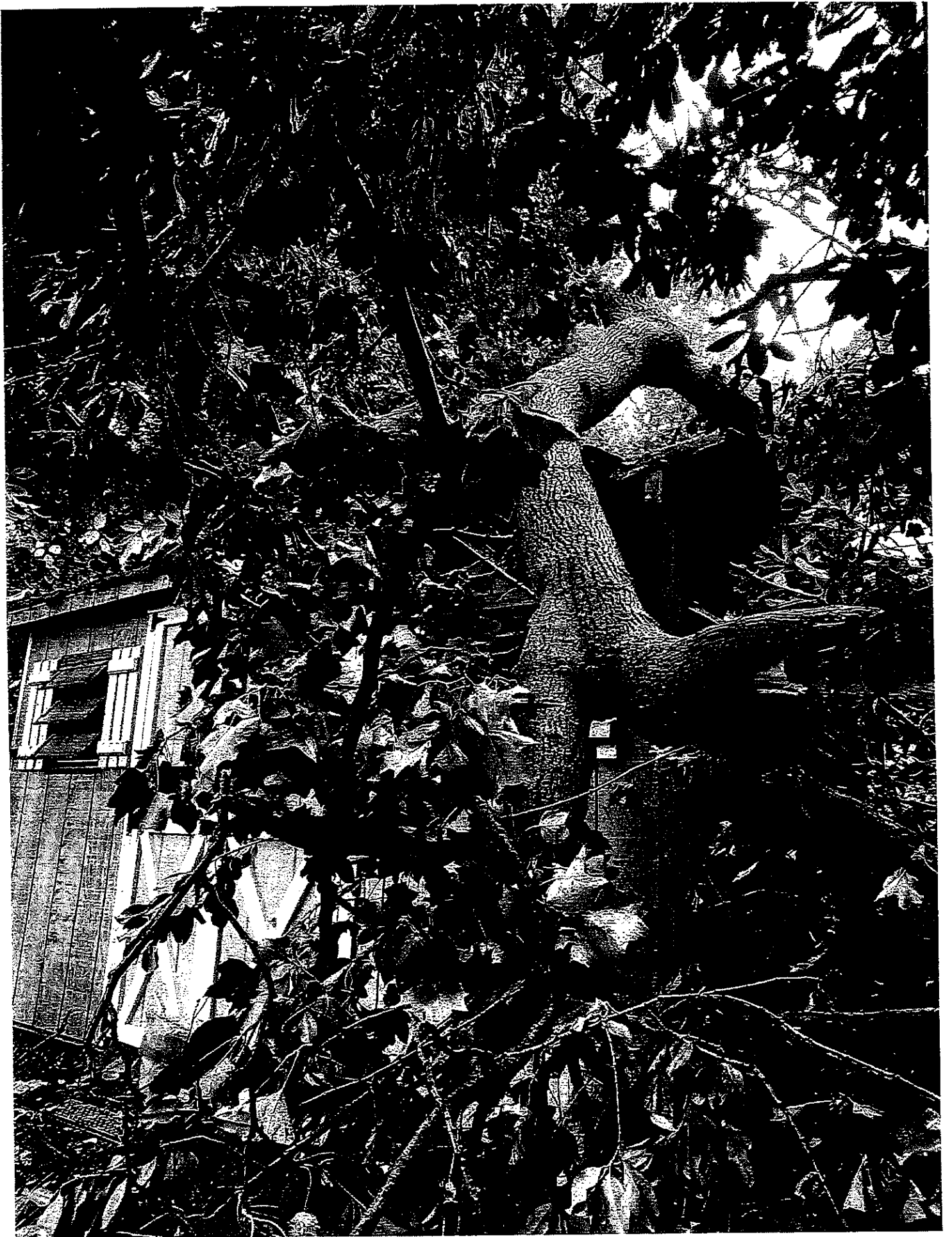
Contractors

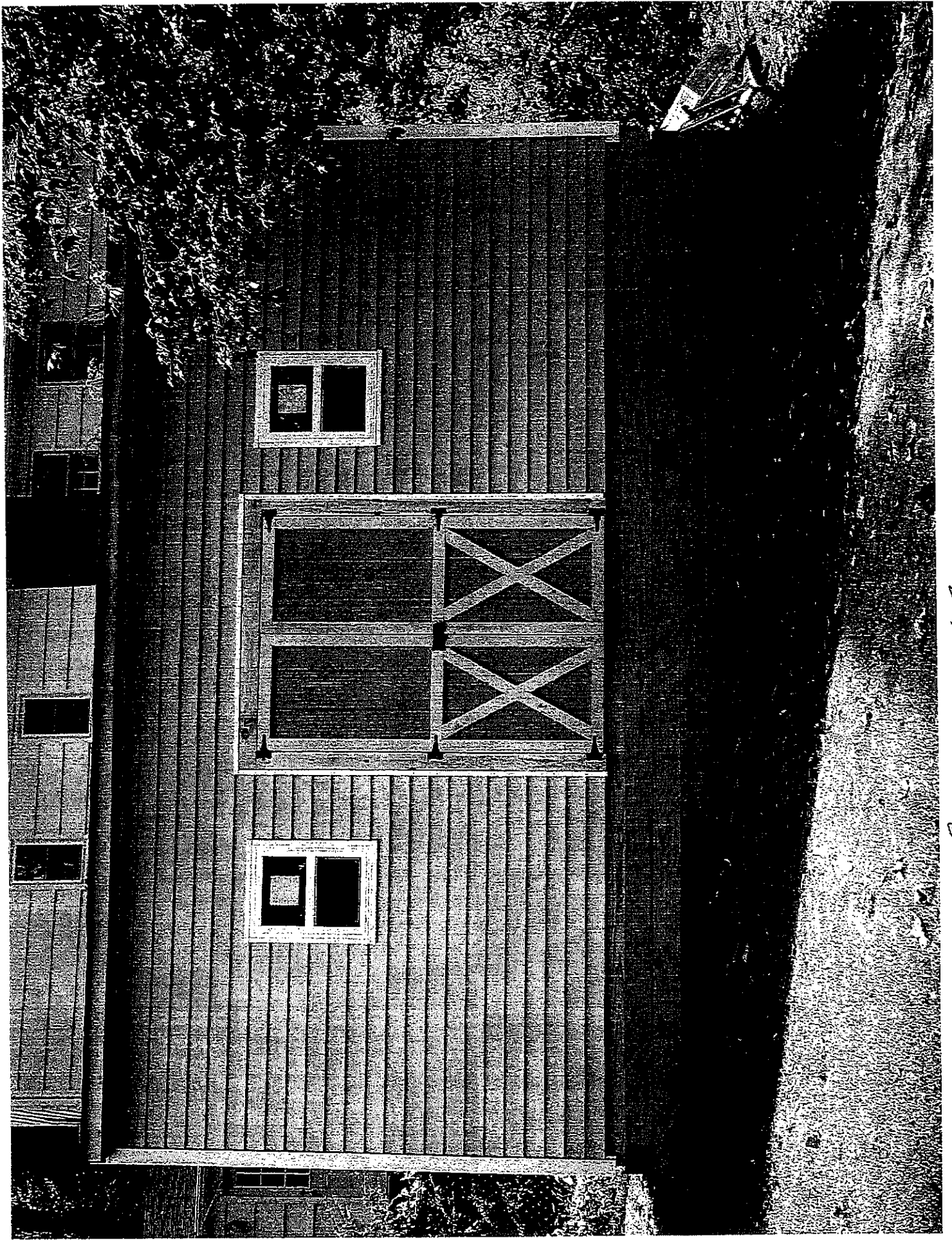
Platform: ASL Landscaping LLC

Shed: Top Notch Contracting and Power Washing



DESTRUCTION 1957





Remount 5/6/7