

Application No. \_\_\_\_\_

Application Fee \_\_\_\_\_

Date of Filing \_\_\_\_\_

Escrow \_\_\_\_\_

**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 Tom + Michelle Whited for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name Tom + Michelle Whited residing at 131 Timber Drive

Telephone No. 917-520-8823 Email address twhited20@gmail.com

1. Petitioner is Owner of property at 131 Timber Drive Block 2202, Lot 8 on the Tax Map located in the B-15 Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required: See attached.

3. Does the Application concern a request for Certificate of Nonconformity? No

Does the Application concern a Use Variance? No, and: a) Site Plan No b) Subdivision No

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.

5. a. Description of the Property: 3.1 3.1.B.4.

Corner lot	Required See Attached Schedule C.1.1B	Existing	Proposed	Variance Required: Y/N
Lot Area (sq. ft.) +10%	16500	15507	15507	Nonconforming
Lot Width	100'	158.5	158.5	N
Lot Depth	130'	105	105	Nonconforming
Front Setback	50'/50'	39'/39.3'	39'/39.3'	Nonconforming/Nonconforming
Side Setback	12'	24.6'	24.6'	N
Side Setback	18'	N/A	N/A	N/A
Combined side setbacks	30'	N/A	N/A	N/A
Rear Setback	40'	30.7'	30.7'	Nonconforming

Timber Dr  
Evergreen Dr.

b. Provide coverage numbers below. Do not include slotted deck in this section:

- Area of existing buildings/structures (house, attached/detached garage, covered porch, shed) to remain 2013 sq. ft.
- Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) 0 sq. ft.
- Total area to be occupied by buildings/structures 2013 sq. ft.
- Area of existing Other Items (patio, driveways, walks, pool) 1699 sq. ft.
- Area of proposed Other Items (patio, driveway, walks, pool) 1065 sq. ft.
- Total area to be occupied by Other Items 2764 sq. ft.
- TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS 3712 sq. ft.
- TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS 4777 sq. ft.

		Maximum Allowed	
		R-15/20 Zone	R-10/7 zone
c. Lot Coverage (from 5.b., Page 1)			
Existing buildings/structures (Item 1/sq. ft. of lot)	12.98 percent	15%	20%
Existing Other coverage (Item 4/sq. ft. of lot)	10.96 percent	10%	10%
Total existing lot coverage (Item 7/sq. ft. of lot)	23.94 percent	25%	30%
Proposed buildings/structures (Item 3/sq. ft. of lot)	12.98 percent	15%	20%
Proposed Other coverage (Item 6/sq. ft. of lot)	17.82 percent	10%	10%
Total proposed lot coverage (Item 8/sq. ft. of lot)	30.81 percent	25%	30%

d. Accessory buildings/structures (if applicable): Inground Pool, Patio, Wall + Filter  
 (type: pool, etc.)

Area proposed Patio - 740 square feet  
Pool - 480  
 Maximum height proposed 4 feet

Proposed Set Backs  
 Side 12' Side N/A Rear 10' - Variance  
Front - 30.9' to patio  
44.5' to pool

6. Has there been a previous petition for relief involving the property? Yes (If yes, attach Resolution.) Case No. 40:90 Deck

7. Facts in support of petitioner's relief:  
See attached.

8. Set forth the particular Statute under which this Application is made (N.J.S.A. 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? Yes 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.

Michelle Heft  
 Petitioner Signature

131 Timber Drive  
 Address

Berkeley Heights, NJ 07922

917-520-8823  
 Phone

michelle.heft@gmail.com  
 E-Mail Address

Inground pool with patio, water feature wall, retaining wall & pool equipment pad. The following variances are required total lot coverage is proposed at 30.81%(23.94% existing) where 25% is allowed.

Other coverage is proposed at 17.82% where 10% is allowed the existing nonconformity is 10.96%. Accessory rear yard setback is proposed at 10' where 12' is the minimum. Pool equipment pad are proposed in the front yard, setback at 30.9' where accessory structures are not allowed in front yards & the minimum setback is 35 feet. This an existing nonconforming lot.

#### Question #7

This is hardship variance request for several reasons. The property is a corner existing nonconforming lot coverage & lot depth non-conforming existing principal front yard setbacks on both Timber & Evergreen Drive and rear yard non-conforming setbacks (see #5 for square footage numbers).

The applicant is very limited to where an inground pool can be constructed and is, therefore, requesting an accessory rear yard setback variance where 12ft is required & 10ft is proposed. Given the location of the garage & configuration of the property, the pool equipment pad with filter/heater are proposed in the front yard along Evergreen Drive with a proposed 30.9 ft from evergreen Drive.



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

Application Date: 11/3/2022  
 Application Number: ZA-22-647  
 Permit Number: \_\_\_\_\_  
 Project Number: \_\_\_\_\_  
 Fee: \$0

# Denial of Application

Date: 11/14/2022

To: HEFT-WHITED, MICHELLE & THOMAS  
 131 TIMBER DR  
 BERKELEY HEIGHTS, NJ 07922

CC: APP TELE:(917) 520-8823  
 APP EMAIL:TWHITED20@GMAIL.COM

RE: 131 TIMBER DR  
 BLOCK: 2202 LOT: 8 QUAL: ZONE: R-15

DEAR HEFT-WHITED, MICHELLE & THOMAS,

The applicant is proposing to install an in-ground pool 14' x 28' with pool patio, water feature wall, retaining wall, and pool equipment pad. This is a corner lot with street frontage on Timber & Evergreen Drive.

Section 6.1.1B "Schedule of General Regulations" of the Municipal Land Use Procedures Ordinance allows for a maximum of 10% other coverage where, nonconforming 10.96% is existing and 17.82% is proposed. Total lot coverage allowed is 25% of the lot area, where 23.94% is existing and 30.81% is proposed.

Section 3.1.7B. Swimming and Wading Pools requires a minimum of 12' accessory rear yard setback, where 10' is proposed to the "Water feature wall" and new patio.

Section 3.1.1B.4. Accessory structures in front yards are prohibited. The pool equipment pad with filter/heater are proposed in the front yard along Evergreen Dr., setback 35 feet from front property line. Proposed pool patio is located in the Evergreen Dr. front yard, setback 30.9' from Evergreen Dr.

Existing nonconforming: lot area (corner lot +10% =16,500 sq. ft. conforming), lot depth, principal front yard setbacks both Timber & Evergreen Drive, other coverage,

Note:

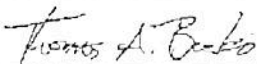
1. Board of Adjustment Case No. 40-90 granted variance approval to construct or rebuild a 16' x 12' x 4' plus high deck. - ext.
2. A fence is indicated on the Swimming Pool Plan, however a fence height is not indicated. 5ft.
3. Existing trees, their location and fate should be indicated on the swimming pool plan.

Gary L

FEMA Flood Zone Determination - Panel 017F Zone X

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.

Sincerely,

  
 Thomas A. Bocko - Zoning Officer

Carmen - Assit