

Resolution No.: 11 - 18

**RESOLUTION OF THE BOROUGH OF CLAYTON PLANNING BOARD
GRANTING BULK VARIANCE RELIEF TO
ABIGAIL LOPEZ DE LASALLE
Block 902, Lot 7
(238 South Pearl Street)**

WHEREAS, the Applicant, Abigail Lopez De LaSalle, of 238 South Pearl Street, Clayton, New Jersey, submitted an application seeking bulk variance relief for property she owns at said address and known as Block 902, Lot 7; and

WHEREAS, the Board sat as a Zoning Board of Adjustment; and

WHEREAS, the subject lot is approximately sixty four (64') feet wide and one hundred and fifty (150') feet or approximately 9,600 square feet with a residential dwelling fronting on South Pearl Street; and

WHEREAS, the Applicant proposes to construct an open yet covered eight (8') foot by eighteen (18') foot front porch with a twelve (12") inch roof overhang; and

WHEREAS, the subject property is located in the R-B Medium High Density Zoning District which requires a 30 foot front yard setback and the Applicant proposes a 21.95 foot setback in order to construct the proposed front porch and seeks bulk variance relief to permit a 21.95 foot front yard setback; and

WHEREAS, the Applicant testified in support of her application and submitted four (4) sheets of the subject property as part of her application incorporated herein which depict **1.** Existing Conditions, **2.** Plot Plan, **3.** Elevations, and **4.** Building Section; and

WHEREAS, in further support of her application, the Applicant submitted an April 13, 2018 deed wherein the Applicant acquired the property and a May 10, 2018 Survey of Premises revised August 28, 2018 to reflect the Third Course Distance as prepared by Albert N. Floyd, L.S.; and

WHEREAS, there was discussion among the Board and the Applicant and the following was agreed: **1.** Applicant purchased the property in April of 2018 and the Applicant resides there and is desirous of improving the dwelling, **2.** Presently water is infiltrating the home in the front and the proposed porch with roof overhang should remedy this problem, **3.** During the application process it was discovered that an existing shed is only 3.5 feet from the property line where 5 feet is required and the Applicant agrees to move the shed to comply with the setback requirement, **4.** The Board acknowledged the pre-existing non-conformity of the minimum lot width being 64.35 feet where 80 feet is required, **5.** The Board planner opined that the proposed porch addition will promote a desirable visual environment, utilize existing housing stock while the open front porch will not impair air and light in addressing the basis for the grant of bulk variance relief, **6.** The instant application is not subject to site plan review as a single family dwelling and street tree requirement therefore does not apply, **7.** The Applicant testified that she nonetheless plans on adding landscaping to the front of the dwelling, **8.** The Applicant is utilizing a gravel driveway with a ten (10') foot concrete driveway apron – she acknowledges that she will have to pull up some asphalt in order to plant some grass, **9.** The Applicant confirmed that she is adding walkways as reflected on the plan, **10.** The Applicant agrees that as a condition of approval she will submit a grading plan in order to “pull” a building permit for the proposed improvement, **11.** The Applicant asked for a waiver of the sidewalk requirement and the Board granted a waiver for sidewalk, **12.** The Applicant does not need to bond because the apron will be addressed on the lot grading plan, **13.** The Applicant agrees to comply with the Board professional review letters which are incorporated herein at length, and **14.** The Applicant testified that she plans on adding a fence this shall be reflected and shown on the plan for the building permit; and

WHEREAS, members of the public were permitted to speak on the application at the regularly scheduled Planning Board Meeting held on October 15, 2018 and April Durham appeared and testified that she doesn't think the Applicant should have to move her shed because she feared the Board might make her do the same thing should she file an application although she did not state that she had any such present intention; and

WHEREAS, the Board has carefully considered all the documents submitted and the testimony of the witnesses and members of the public;

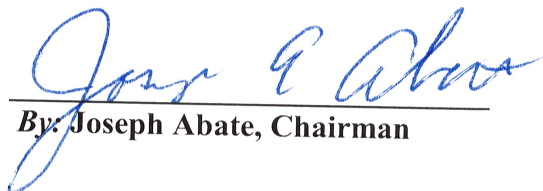
WHEREAS, the application for bulk variance relief was approved by the Borough of Clayton Combined Planning and Zoning Board of Adjustment, by a 7 yes to 0 no vote.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Clayton Planning Board, that it does hereby **Approve** the grant of bulk variance relief for the construction of an open front porch addition with roof overhang as hereinbefore more fully described with all necessary and requested variances and waivers.

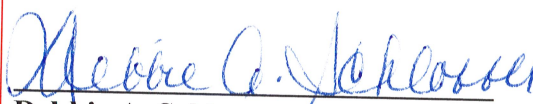
BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the applicant, Borough Clerk, Borough Construction Official, Borough Tax Assessor, and the Borough Zoning Officer.

THIS RESOLUTION DULY ADOPTED at a regular meeting of the Borough of Clayton Planning Board held on Monday, November 19, 2018.

**Borough of Clayton Combined Planning Board
And Zoning Board of Adjustment**


By: Joseph Abate, Chairman

Attest:

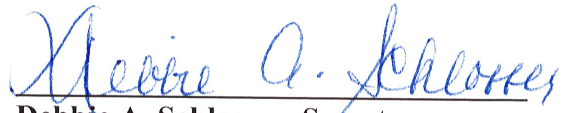

Debbie A. Schlosser, Secretary

ROLL CALL VOTE

THOSE IN FAVOR	<u>7</u>
THOSE OPPOSED	<u>0</u>
THOSE ABSTAINED	<u>0</u>

CERTIFICATION

I hereby certify that the foregoing Resolution is a true copy of a Resolution adopted by the Borough of Clayton Combined Planning Board and Zoning Board of Adjustment at a regularly scheduled meeting of the Board held on November 19, 2018 at the Borough of Clayton Municipal Building, 125 Delsea Drive, Clayton, New Jersey 08312 at 7:30 p.m. and memorializes the decision reached by said Board on the herein application at the Board's October 15, 2018 meeting and public hearing.


Debbie A. Schlosser, Secretary

MEMO

Applicant: Abigail Lopez De LaSalle
238 S. Pearl St., a/k/a Block 902, Lot 7

On Monday, November 19, 2018, the Clayton Planning Board agreed to waive the grading plan requirement in regards to this resolution only (Resolution #11-18 page 2, #10).

A copy of this memo is also provided in the applicant's file in addition to being attached to the Resolution.