

July 23, 2008

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on July 23, 2008. The meeting was called to order at 8 p.m. by Mrs. Teng, Chairperson. Mrs. Teng announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following members answered roll call: Mrs. Teng, Mr. Jones, Mrs. Chamberlain, Mr. Redling, Mrs. Weidner and Mr. Nestor, Board Attorney. Mr. Manning and Mrs. Hart were absent.

On a motion by Mr. Jones, seconded by Mrs. Weidner, the minutes of June 25<sup>th</sup> were approved as amended by Mr. Redling. On roll call, all members present voted in favor.

A resolution of memorialization was submitted by the Board Attorney with regard to the Robert and Marjorie Lichtenstein variance application. Mr. Jones moved, seconded by Mrs. Weidner, to approve the resolution as submitted. On roll call, Mr. Jones, Mrs. Teng and Mrs. Weidner voted in favor. Mr. Redling voted no.

A resolution of memorialization was submitted by the Board Attorney with regard to the Kent Fortune variance application. Mr. Redling moved, seconded by Mr. Jones, to approve the resolution as submitted. On roll call, Mr. Jones, Mrs. Teng, Mr. Redling and Mrs. Weidner voted in favor.

A resolution of memorialization was submitted by the Board Attorney with regard to the Scott and Donna Kahn variance application. Mr. Redling moved, seconded by Mr. Jones, to approve the resolution as submitted. On roll call, Mr. Jones, Mrs. Teng, Mr. Redling and Mrs. Weidner voted in favor.

A resolution of memorialization was submitted by the Board Attorney with regard to the John and Grace Hottinger variance application. Mr. Redling moved, seconded by Mrs. Weidner, to approve the resolution as submitted. On roll call, Mrs. Teng, Mr. Jones, Mr. Redling and Mrs. Weidner voted in favor.

Stephen Brown variance application

62 Woodland Avenue  
Block 301, Lot 24

Mr. and Mrs. Brown were sworn. Mr. Brown said he applied for a permit to remove a concrete deck from the side of his house and replace it with a slightly larger wooden deck. Subsequently, he found he needed a variance for lot area, minimum rear yard setback and pre-existing non-conforming structure.

Mr. Brown said the lot is a flag lot which comes off of Woodland Avenue and goes all of the way back towards Farley Place. The property has been in the Brown family for quite

some time. His grandfather owned the property in the front and his father owned the house that he now owns. He has an easement coming back from Woodland Avenue about 200 ft. before arriving at the flag portion.

The Board asked if the deck is increasing the non-conformity. Mr. Brown said the deck is not increasing the non-conformity. The non-conformity is to the rear of the house. The existing concrete deck is about 1-1/2 ft. from the back of the house and they are planning on increasing the length of the deck to the end of the house. They will not be increasing the non-conformity to the rear yard setback.

The house according to A-01 is 17'-2" from the rear yard setback and the proposed deck will also be 17'-2" from the rear yard setback. The deck will still be 18 ft. from the side yard.

Mr. Brown was asked to describe the hardship. Mr. Brown said the concrete deck itself is crumbling.

The Board asked if there is a hardship relating to the topography of the land or the placement of the house. Mr. Brown said when the house was built, probably in 1956, there were woods behind the house so the house was set back closer to the property line. Farley Place was not in existence and at that time there were probably no setbacks so it was pushed off to the side so when you came down the driveway you could see the house. He said this is the logical place for the deck because it is hidden by trees from Farley Place. The deck would not look right if it was in the front of the house.

Mr. Brown was asked what type of vegetation exists in the rear of the house. Mr. Brown said looking back towards Farley Place there are pine trees and evergreens which are on a berm that is owned by the Borough of Allendale.

Mrs. Tengi said she went to the house recently and found that the concrete patio is in dire need of repairs and has become a safety issue. There is a tremendously large, narrow driveway to get to the Brown's property. There is no possibility of putting the deck in the front of the house. If they did anything on the side they would still have to come to the Board for a zoning variance because of the pre-existing non conformity, not just with the back yard, but with the lot width. When she observed the back she saw no visual obstruction with any neighbors in the back at all because of the evergreens.

Mr. Nestor asked if there are any hand rails or safety features on the deck. Mr. Brown said there is one handrail currently on the deck coming down the steps. The new deck will have hand rails all around.

The meeting was opened to the public for comments and there being none, the meeting was closed to the public.

Mr. Redling said he would like to make a motion to approve the application. He believes the uniqueness of the property, the flag shape of the property and the placement of the

house has provided the underlying facts and pattern for the approval of a variance to construct the proposed deck. The rear yard setback is not going to be increased in any way. The house placement is 17.2 ft. away from the rear yard. The deck will not encroach any farther into that area and there will be no negative impact on the Land Use Act. Motion was seconded by Mr. Jones. On roll call, all Board members present voted in favor.

On a motion by Mrs. Chamberlain, seconded by Mr. Jones, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Barbara Knapp