

**BOARD OF ADJUSTMENT OF WHITE TOWNSHIP
RESOLUTION OF APPROVAL
Case #449**

In the Matter of the Application of Jason Chesla, Block 15, Lot 2.

WHEREAS, an Application to the White Township Board of Adjustment has been made for Variances pursuant to N.J.S.A. 40:55D-70(c) so as to permit the Applicant to replace an existing single family dwelling and construct a new dwelling on a pre-existing non-conforming lot; and

WHEREAS, a Public Hearing on this matter was held on March 17, 2011, a quorum of the Board being present and the Applicant being represented by Eric S. Wasser, Esq.; and

WHEREAS, public notice was given wherein the Board had jurisdiction to hear the within matter; and

WHEREAS, at the Public Hearing, the Applicant produced the testimony of Jason Chesla, the owner of the property, and Richard Pelizzoni, an Engineer and Surveyor.

Now Therefore, Be It Resolved on this 21st Day of April 2011 that as a result of the Application submitted and the Public Hearing, the Board makes the following findings of fact and conclusions of law:

1. By Deed dated April 21, 2004, the Applicant is the owner of the property.
2. On August 3, 2010, the White Township Zoning Officer denied Applicant's request for a Zoning Permit to remove the existing dwelling and replace it with a new dwelling in that the proposed dwelling did not comply with: front yard setback; rear yard setback; maximum building coverage.
3. The property located at 556 Brass Castle Road consists of an existing dwelling and detached garage. The existing non-conforming lot parameters are as follows:
 - a. Lot area is 0.502 acres and 3 acres are required
 - b. Lot width is 134.65 feet and 250 feet is required
 - c. Minimum improvable lot area is 21,859 square feet and 25,000 is required.

4. The Applicant seeks the following Variances to construct a new dwelling:
 - a. Front yard 50' and 75' is required
 - b. Rear yard 58.6' and 75' is required
 - c. Building coverage 12.6% and 10% is allowed
5. The Applicant produced the following exhibits in support of the Variance request:
 - a. A-1: a Plot Plan of the property dated January 18, 2011 as prepared by Richard Pelizzoni.
 - b. A-2: an architectural rendering of the proposed replacement dwelling dated March 15, 2010.
 - c. A-3: three photos showing the existing dwelling.
6. No member of the public offered any testimony either in support or opposition to the within application.
7. The Board finds that due to the exceptional narrowness, shallowness and shape of the property that peculiar and exceptional practical difficulties would result to the Applicant if not allowed the requested Variances. The Board further finds that the purposes of Zoning, i.e. the promotion of a desirable visual environment, are advanced by a deviation from the Zoning requirements and the benefits of a deviation outweigh any detriment. The Board further finds that the Variance relief can be granted without substantially impairing the intent and purpose of the Zone Plan and Ordinance. The Board further finds that the immediate neighborhood contains undersized residential properties.

Now Therefore, Be It Resolved on this 21st Day of April 2011 that in accordance with the above fact findings and conclusions of law that Applicant's request to construct a replacement single family home as depicted on a Plot Plan dated January 18, 2011 as prepared by Richard Pelizzoni is Granted subject to the following conditions:

1. Applicant shall obtain a construction permit and comply with all other applicable laws.
2. Applicant represents that while the property is within the Highlands Preservation Area that the subject property is "exempt under Condition Number 1 as the lot was owned by Applicant prior to August 10, 2004." This Board accepts the representation of Applicant but neither confirms nor denies the exempt status of the property.
3. Subject to Warren County Health Department Approval with respect to improvements/replacement of the existing septic system.

4. Applicant shall be permitted to construct the new dwelling and obtain a Temporary C.O. for the new home. This Board has no objection to the Applicant being given 30 days to remove the existing dwelling from the date of issuance of the Temporary C.O. All building removals/demolitions shall be by permit.
5. The key map on the Plat shall be amended to show the correct location of the property.
6. The Applicant must timely pay all required and requested Escrow fees. The Board reserves the right to rescind any and all approvals should Applicant fail to timely pay Escrow fees.

A copy of this Resolution shall be sent by the Board of Adjustment Secretary to: the applicant by Certified Mail No. _____, Return Receipt Requested; the White Township Clerk; the zoning officer; and, the building inspector within ten (10) days of the date hereof.

JOSEPH MAGNINI, Chairman
White Township Board of Adjustment

I hereby certify the above to be a true copy of the Resolution adopted by the White Township Board of Adjustment at its regular meeting on April 21, 2011, and further certify that same is a true memorialization of the Official Action taken by the said Board at its regular meeting on March 17, 2011.

ALFIA SCHEMM, Secretary
White Township Board of Adjustment