

MADISON BOROUGH ZONING BOARD OF ADJUSTMENT

RESOLUTION

Sean & Margaux Kelleher - Application No. Z-05-04
1 Dellwood Drive – Block 4903, Lot 1
Approved May 16, 2005

WHEREAS, Sean and Margaux Kelleher applied to the Madison Borough Zoning Board of Adjustment for variances from the front setback, rear setback, impervious lot coverage ratio and principal building coverage ratio requirements in Schedule I of the Land Development Ordinance to permit construction of an addition and related improvements to their residence and relocation of the driveway on property located in an R-1 Zone at 1 Dellwood Drive and designated on the Borough Tax Map as Lot 1 in Block 4903; and

WHEREAS, the Board of Adjustment conducted a public hearing on the application at meetings on March 7 and April 18, 2005, at the Madison Borough Hall, for which public notice and notice by applicants were given as required by law; and

WHEREAS, the application was amended in response to concerns expressed at the initial public hearing; and

WHEREAS, the Board of Adjustment considered the testimony and exhibits presented during the public hearing; and

WHEREAS, at the meeting on April 18, 2005, the Board of Adjustment adopted an oral resolution approving the amended variance application, subject to certain conditions and based on findings and conclusions as memorialized herein;

NOW, THEREFORE, BE IT RESOLVED by the Madison Borough Zoning Board of Adjustment, this 16th day of May 2005, that approval of the amended variance application of Sean and Margaux Kelleher is hereby memorialized as follows:

Findings of Fact and Statement of Reasons

1. The applicants reside in the residence on the property, which is a corner lot and thus is subject to the front setback requirement on both frontages.
2. The existing residence is nonconforming by reason of front setback from Dellwood Drive (42.7' vs. 50' minimum), rear setback (45.7' vs. 50' minimum) and impervious lot coverage ratio (25.5% vs. 20% maximum), as shown on the plot plan included with the architectural plans prepared by Rosen Group Architecture, dated December 30, 2004 and last revised April 8, 2005.
3. The applicants propose to construct a two-story addition to the end of the residence that faces Garfield Avenue to provide a mud room on the first floor and to relocate and reorient the garage to face Garfield Avenue, instead of the rear yard. The second floor would be enlarged

and reconfigured to provide an additional bedroom. As initially proposed, the driveway serving the garage would be relocated so as to connect to a circular driveway off Dellwood Drive, while eliminating the existing driveway connection to Garfield Avenue. These proposed improvements were shown on the architectural plans, which also showed a second story addition to the rear that does not require variance relief.

4. As initially proposed, the improvements would increase the nonconforming impervious lot coverage ratio from 25.5% to 25.8%, requiring a variance from the 20% maximum.

5. As initially proposed, the principal building coverage ratio would be increased from 9.5% to 11.2%, requiring a variance from the 10% maximum.

6. The addition would have a minimum rear setback of 36.8', requiring a variance from the 50' minimum rear setback requirement.

7. The addition would have a minimum front setback from Dellwood Drive of 47.9', requiring a variance from the 50' minimum front setback requirement.

8. No neighbor or member of the public objected to the application.

9. The proposal was amended in response to concerns expressed at the public hearing. The circular driveway was eliminated and an indented parking area was added opposite the front door, which would be accessed by a new brick paver walk. The main section of the new driveway and a rear walk also were proposed to use brick pavers. As a result of these changes, the impervious lot coverage ratio will be reduced from 25.5% to 20.9%, which will only slightly exceed the permitted maximum of 20%. The principal building coverage ratio was recalculated to be 11.1%, instead of 11.2%.

10. The applicants indicated that landscaping would be provided along both Garfield Avenue and the rear lot line opposite the addition in order to provide reasonable screening.

11. The expanded residence will have an attractive design and will improve the functional utility of the residence. The expanded residence will not have the appearance of being excessively large due to its particular design and the limited increase beyond the 10% maximum principal building coverage ratio requirement.

12. The need for variance relief from the setback requirements is due to the unusual shape of the lot, its two frontages and the nonconforming location of the existing residence.

13. The proposed front setback for the addition of 47.9' represents only a minor deviation from the 50' front setback requirement, and this setback will be greater than the existing nonconforming front setback of 42.7'.

14. Although the addition will reduce the nonconforming rear setback, any impact will be more than offset by reorientation of the garage so that it will no longer face the property to the

rear and by the elimination of a large driveway area in close proximity to the rear property line. In addition, landscaping will be provided along the rear lot line opposite the addition to provide buffering for the adjacent property.

15. Relocation of the driveway from Garfield Avenue to Dellwood Drive will result in safer vehicular access to the property.

16. Implementation of this proposal will result in a significant reduction in the nonconforming impervious lot coverage ratio. It is not practical to remove any additional paved areas in order to further reduce this ratio.

17. Based on the foregoing, the proposed improvements for the amended proposal will not result in any negative impacts on nearby properties.

18. Based on the particular circumstances of this property and proposal, granting the requested variances will result in zoning benefits due to the enhanced appearance of the residence, elimination of the rear-facing garage and associated driveway area, relocation of the driveway to provide safer access and the significant reduction in the nonconforming impervious lot coverage ratio. These benefits will substantially outweigh any detriment.

19. In addition and in the alternative, under the particular circumstances of this property, including the unusual shape of this corner lot and the nonconforming location of the existing residence, denial of the requested variances would impose undue hardship and practical difficulties on the applicants by precluding the proposed improvements.

20. All of the requested variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Borough of Madison.

Description of Variances and Conditions

1. A variance is hereby granted from the 10% maximum principal building coverage ratio requirement in Schedule I of the Land Development Ordinance to allow improvements that will increase the ratio from 9.5% to 11.1%, as shown on the plot plan and architectural plans prepared by The Rosen Group, Architects, dated December 30, 2004 and last revised April 8, 2005.

2. A variance is hereby granted from the 20% maximum impervious lot coverage ratio requirement in Schedule I of the Ordinance to allow improvements that will reduce the ratio from 25.5% to 20.9%, as shown on the plans.

3. A variance is hereby granted from the 50' minimum front setback requirement in Schedule I of the Ordinance to allow an addition to the north end of the residence with a minimum front setback from Dellwood Drive of 47.9', as shown on the plans.

4. A variance is hereby granted from the 50' minimum rear setback requirement in Schedule I of the Ordinance to allow an addition to the north end of the residence with a

minimum rear setback of 36.8', as shown on the plans.

5. These variances are granted based on the application, testimony and revised plans presented by the applicants, and new or amended variance approval may be required for any different or additional improvements.

6. These variances are granted subject to the applicants installing landscaping along Garfield Avenue and the rear lot line opposite the addition in order to provide reasonable screening and removing existing paving consistent with the approved plan. The required landscaping and pavement removal shall be completed prior to issuance of a certificate of occupancy.

7. Prior to issuance of a building permit, the applicants shall obtain a driveway permit or other authorization, if any, from the Borough Engineer for the proposed indented parking area along Dellwood Drive.

8. Pursuant to Section 195-10(H) of the Ordinance, these variances shall expire if the approved construction is not commenced within 2 years after the date of publication of the notice of decision for this resolution.

Vote on the Resolutions

For the Oral Approval Resolution: Oleksik, Stern, O'Donnell, Northrup, Kroll & Poeter.

Against the Oral Approval Resolution: None.

For the Form of the Written Resolution: Oleksik, O'Donnell, Northrup, Kroll & Poeter.

Against the Form of the Written Resolution: None.

Certified to be a True Copy

By: Patricia Puorro
Patricia Puorro, Secretary

Dated: May 16, 2005