



RINGWOOD ZONING BOARD OF ADJUSTMENT

ANNUAL REPORT

2010

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Adopted: October 17, 2011

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2010 BOARD MEMBERS

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BOARD PROFESSIONALS

Jameson Van Eck, Board Attorney

David Hals, P.E., Board Engineer

Helen M. Forsa, Land Use Administrator

PURPOSE

The New Jersey Municipal Land Use Law requires the Board of Adjustment to submit an Annual Report to the Mayor and Council and Planning Board.

N.J.S.A. 40:55D-70.1: “The board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board”.

This report is prepared pursuant to that Statute.

2010 CALENDAR

The Board held a total of 10 meetings in 2010.

SYNOPSIS

A total of 35 applications were filed in 2010.

Below is a breakdown of the types and numbers of applications heard in 2010:

TYPE OF VARIANCE	NO. APP. FILED	ZONE
"A" (Appeal)	0	
"B" (Interpretation)	0	
"C" (Bulk)	29	R-20
	2	R-40
	1	R-40V
	1	R-80V
"D" (Use)	2	GB-80
	Total 35	
Withdrawal	1	GB-80
Denied	1	R-20
Carried	1	R-20
Extension	1	R-20

TYPE OF VARIANCES

The R-20 zone had a total of 42 variances granted. Historically, side yard variances are the most requested with rear and front yard variances following closely behind in 2009. However in 2010, front yard variances were the most requested with side yard variances a close second.

In the R-20 zone, the applicant's "hardship" is almost always based on the fact that the lot exists as an undersized lot and no vacant land is available for purchase to enlarge the lot and eliminate or reduce the variances required.

R-20 ZONE	
Front Yard	16
Side Yard	15
Rear Yard	7
Improved Lot Coverage	1
Sign	1
Acc. Structure in Front Yard	1
Maximum Area of Sign	1
TOTAL	42

The R-40 zone had a total of 3 variances granted as shown on the table below:

R-40 ZONE	
Side Yard	1
Rear Yard	1
Height of Accessory Well Structure	1
TOTAL	3

The R-40V zone had a total of 5 variance granted as shown on the table below:

R-40V ZONE	
Side Yard	2
Rear Yard	1
Impervious Lot Coverage	1
Maximum Disturbed Area	1
TOTAL	5

The R-80 V zone had a total of 1 variance granted as shown on the table below:

R-80V ZONE	
Maximum Disturbed Area	1
TOTAL	1

The GB-80 zone had a total of 1 variance granted as shown on the table below:

GB-80 ZONE	
Use Variance for Outdoor Seating	1
TOTAL	1

TYPE OF STRUCTURE OR USE

In the R-20 zone, decks and sheds were the most requested applications.

R-20 ZONE	
Addition - Same Footprint	2
Addition - New Footprint	6
Deck	8
Sheds	7
Front Porch/Entranceway	1
Front Steps	1
New Dwelling	1
Hot Tub	1
Sign	1
TOTAL	28

In the R-40 zone, there were 3 applications granted.

R-40 ZONE	
Aboveground Pool and Deck	1
Addition - Same Footprint	1
Covered Porch	1
TOTAL	2

In the R-40V zone, there was 1 application granted.

R-40V ZONE	
Pool and Patio	1
TOTAL	1

In the R-80V zone, there was 1 application granted.

R-80V ZONE	
Removal of Trees and Creation of Lawn Area	1
TOTAL	1

In the GB-80 zone, there was 1 use variance application granted.

GB-80 ZONE	
Outdoor Seating for Restaurant	1
TOTAL	1

FINDINGS AND RECOMMENDATIONS

In 2010, 35 applications were filed compared to 23 applications in 2009, 27 applications in 2008, 42 in 2007, 38 in 2006 and 49 in 2005.

With regard to **Docket #1787**, the applicant originally sought approval for a pool and patio. The application was amended to retroactively seek approval for a tennis court constructed in a location contradictory to the plans submitted and approved by the Building Department. The original application sought one variance and the amended application required five variances. The application was approved with conditions of submitting a final as-built survey and the installation of adequate stormwater management facilities to be approved by the Borough Engineer.

The application of **Arta's Restaurant, Docket #1795**, sought a use variance and amended site plan approval to allow outdoor seating of three tables and chairs for the restaurant. The Board approved the application finding there were no safety concerns, the proposed use provided a service to the residents of the Borough and was consistent with the character of the community.

With regard to **Docket #1796**, the applicant applied for a conditional variance and amended site plan approval to allow for an outdoor fenced-in area for an animal rescue and sanctuary. The application was not heard inasmuch as the applicant asked for the application to be withdrawn. The application was withdrawn without prejudice.

The Board addressed several applications with regard to membrane structures that were not in conformance with the Ordinance. Applicants were given violation notices and required to appear before the Board. The governing body approved a resolution giving those applicants the ability to file an application without incurring application fees for a period of time. Most applied to the Board in a timely fashion. The Board tried to offer solutions in many instances requesting that the applicants reduce the size of the structure or relocate the structure. At the end of the year, there was still one application pending before the Board.

With regard to **Docket #1800**, the applicant applied for a membrane shed requesting a 33 foot front yard variance. The Board offered alternative designs and suggestions. The applicant was concerned about the expense and permanent nature of the structure as well as the slope and shape of the roadway that might prohibit an alternate design and did not wish to consider an alternative design. The application was denied.

With regard to **Docket #1821**, the applicant applied for a membrane shed. The Board required information with regard to the location of the septic field, the grade of the driveway, the location of the neighbor's deck and photos of the property. The application was carried to the January 24, 2011 meeting.

With regard to the application of **Docket #1805**, the applicant did have to move the membrane structure and the Board approved the structure with the condition that the variance would expire either in ten years or upon change of ownership or transfer of the property. The sole purpose of this approval was to accommodate the current owner's disabilities.

With regard to **Docket #1713/PB #1-924**, the applicant requested an extension of the variances granted on April 16, 2007 and published on April 22, 2007. The Board approved three one year extensions not to extend beyond April 22, 2012, subject to all the original terms and conditions of the Memorializing Resolution.

The Board prepared an ordinance amending Section 40-8.15 to clarify the permitted locations for residential storage sheds. This was submitted to the Mayor and Council and was adopted on December 1, 2010.

ANALYSIS AND NOTES

An analysis of the “c” variance cases heard last year shows that 29 of the applications were located in the R-20 zone. There were 2 applications in the R-40 zone compared to 4 the previous year. There was 1 application in the R-40V zone and 1 application in the R-80V zone. It is unusual for the Board to entertain applications in the R-40V and R-80V. There were 2 variance applications in the GB-80 zone.

There were a total of 42 variances granted in the R-20 zone compared to 27 in the previous year. The Board does not recommend any change be made to the requirements in that zone. Since these lots are small and located close to adjacent properties, having to file for a variance gives the Board some control over the development on these lots.

The Board also notes that actions taken by the Board are not always reflected in the statistics. It is the feeling of the Board members that they should work with and assist the residents. In that regard, some applications are withdrawn, some are dismissed and many are amended and modified. Some applications are approved subject to conditions imposed by the Board. Frequently objectors’ concerns are taken into account through conditions or modifications agreed to by the applicant during the hearing process. This is again evident this year with the conditions imposed on some applications.