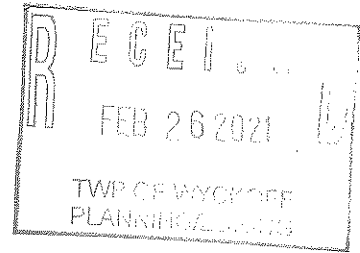


**TOWNSHIP OF WYCKOFF  
BERGEN COUNTY, NEW JERSEY**

**APPLICATION IS HEREBY MADE FOR:**

- ( ) Appeal from Building Officer based on or made in the enforcement of the Zoning Ordinance. N.J.S.A. 40:55D-70a
- ( ) Zoning map interpretation N.J.S.A. 40:55D-70b
- ( ) Hardship variance N.J.S.A. 40:55-70c-1
- ( ) Flexible variance N.J.S.A. 40:55-70c-2
- ( ) Variance for use or principal structure N.J.S.A. 40:55D-70d-1
- ( ) Expansion of a nonconforming use N.J.S.A. 40:55D-70d-2
- ( ) Deviation from standard of conditional use N.J.S.A. 40:55-70d-3



**PROPERTY HISTORY:**

A. Owner: Ryan Barry and Rae Anne Barry  
Address: 191 Van Houten Avenue, Wyckoff, New Jersey  
Telephone: 973-454-5183  
Applicant name (if other than owner): Same  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

B. Property Description:  
Location: \_\_\_\_\_  
Zoning district: RA-25 Block: 292 Lot: 10  
Existing use of building or premises: Single family residential

C. Type of variance requested: Side yard setback of 19.8 feet, where 25 feet is required; variance to permit maximum lot coverage to be 16%, where 15% is the maximum permitted; front yard setback of 35.2 feet measured to the stoop which currently exists for covered landing, where 40 feet is required; construction of covered landing, where open landing currently

D. The variance requested is for the purpose of: \_\_\_\_\_ exists.

\_\_\_\_\_  
\_\_\_\_\_

E. Does the attached survey reflect the property as it presently exists? Yes X No \_\_\_\_\_  
If no, explain \_\_\_\_\_

F. Is the property sewer or septic? sewer Locate on survey.

G. Is this request connected with the simultaneous approval of another application before a Township board?  
Yes \_\_\_\_\_ No X  
If yes, explain \_\_\_\_\_

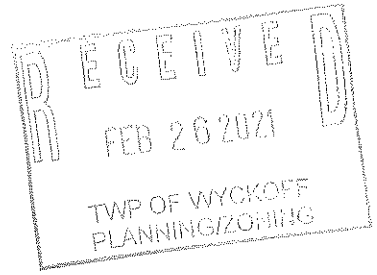
\_\_\_\_\_  
\_\_\_\_\_

H. Have there been any previous applications before a Township board involving the premises: Yes \_\_\_\_\_ No X  
If yes, state the date and disposition: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I. If this application is for an appeal of a decision of the Building Officer or a zoning map interpretation, explain the appeal or question: N/A

\_\_\_\_\_  
\_\_\_\_\_



**ALL APPLICANTS COMPLETE SECTION J**

**J. ZONING DISTRICT – RA-25**

**DIMENSIONS**

	Zoning Requirement	Present Layout	Proposed Layout	**See Note
1. LOT SIZE (sq. ft.)	25,000 min.	<u>17,356</u>	<u>17,356</u>	(X)
Frontage	125 min.	<u>116</u>	<u>116</u>	(X)
Depth	150 min.	<u>150</u>	<u>150</u>	( )
2. SETBACKS				
Principal Building				
Front Yard (ft.)	40 min.	<u>35.2</u>	<u>35.2</u>	(X)
Rear Yard (#2) (ft.)	40 min.	<u>77.5</u>	<u>58.5</u>	( )
Side Yard (#1) (ft.)	20 min.	<u>19.8</u>	<u>19.8</u>	(X)
Side Yard (#2) (ft.)	20 min.	<u>N/A</u>	<u>N/A</u>	( )
* Accessory Structure(s) (deck, garage, shed, pool, etc.)		(Attach a separate sheet if necessary)		
Rear Yard (ft.)	20 min.	<u>15.8'</u>	<u>15.8'</u>	(X )
Side Yard (ft.)	15 min.	<u>9.7'</u>	<u>9.7'</u>	(X )
<i>*ALL ACCESSORY STRUCTURE SETBACKS SHALL BE INDICATED ON SURVEY</i>				
3. GROSS BUILDING AREA (GBA) per 186.65**		<u>2,012 SF</u>	<u>4,413 SF</u>	( )
Over 3,700 (sq. ft.) Side yard setbacks increase	25 min.	<u>19.8'</u>	<u>19.8'</u>	(X)
Garage faces side yard setback increases to	27 min.	<u>N/A</u>	<u>N/A</u>	( )
4. BUILDING AREAS (footprint)				
Principal Building (sq. ft.)	.....	<u>2,154</u>	<u>2,805</u>	
Accessory Structures (sq. ft.)	LIST			
Deck	.....	<u>355</u>	<u>360</u>	
Shed	.....	<u>98</u>	<u>98</u>	
5. LOT COVERAGE				
A. Principal Building (%)	15 max.	<u>12.4</u>	<u>16.2</u>	(X)
B. Total Access. Structures (%)	5 max.	<u>2.6</u>	<u>2.6</u>	( )
C. Total (%) (A & B)	20 max.	<u>15.0</u>	<u>18.8</u>	( )
6. DWELLING AREA (Total sq. ft.)	1,200 min.	<u>2,012</u>	<u>4,413</u>	( )
First Floor	.....	<u>2,012</u>	<u>2,658</u>	
Second Floor	.....		<u>1,755</u>	
7. BUILDING HEIGHT (ft.)	35 max.	<u>&lt; 35</u>	<u>31.8</u>	( )
Number of stories	2 ½ max.	<u>1</u>	<u>2</u>	( )
8. IMPERVIOUS COVERAGE (Calculation)				
For lots over 25,000 sq. ft., the maximum allowable impervious coverage shall be 28.5% of the lot area. For lots between 10,000 and 25,000 sq. ft., the maximum allowable impervious coverage shall be equal to 45 divided by the square root of the lot area. Lots less than 10,000 sq. ft., the maximum allowable impervious coverage shall be 45% of the lot area.				
▪ Structures/Buildings	Sq. ft.	<u>2,903</u>		<u>Space reserved for calculation</u>
▪ Driveways (paved or gravel)	Sq. ft.	<u>1,085</u>		
▪ Patios and/or paved areas	Sq. ft.	<u>63</u>		
▪ Walkways and brick pavers	Sq. ft.	_____		
▪ Tennis Court	Sq. ft.	_____		
▪ Swimming Pool Water Surface	Sq. ft.	_____		
▪ Decks w/o free drainage	Sq. ft.	<u>360</u>		
TOTAL IMPERVIOUS COVERAGE:	Sq. ft.	<u>4,411</u>	Calculated %	( )
			= <u>25.4</u>	

\*\*GROSS BUILDING AREA – is defined as the gross building floor area of the buildings on the property. The gross building area shall include all enclosed floor areas on all floors for residences, accessory buildings and garages. The gross building area shall not include open porches, unfinished attics, basements, decks or patios.

\*\*NOTE: MARK (X) WHERE NOT IN CONFORMANCE WITH ZONING

**K. OTHER REQUIREMENTS Not Applicable**

1. PARKING: Spaces required \_\_\_\_\_ provided \_\_\_\_\_  
Actual area to be utilized (each floor): \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

Buffer required \_\_\_\_\_  
Buffer provided \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_

2. SIGN: (Also fill out separate Application for Sign Construction Permit)  
Dimensions: \_\_\_\_\_  
Height: \_\_\_\_\_  
Location: \_\_\_\_\_  
Lighting: \_\_\_\_\_  
Setbacks: \_\_\_\_\_

3. FENCE:  
Height: \_\_\_\_\_  
Style: \_\_\_\_\_  
Location: \_\_\_\_\_

**IF APPLICATION IS FOR A HARDSHIP OR FLEXIBLE VARIANCE, COMPLETE SECTION L**

L. 1. How will the benefits of the proposed application outweigh any detriments? \_\_\_\_\_  
**See Addendum Attached**  
\_\_\_\_\_  
\_\_\_\_\_

2. What are the exceptional circumstances or conditions applicable to the property involved or to the intended use of development of the property that do not apply generally to other properties in the same zone or neighborhood?  
**See Addendum Attached**  
\_\_\_\_\_  
\_\_\_\_\_

3. Explain what efforts have been made by the applicant to acquire adjoining lands so as to reduce the extent of the variances or eliminate such?  
**See Addendum Attached**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. State how the proposed variance:  
a. Will not cause substantial detriment to the public good **See Addendum Attached**  
\_\_\_\_\_  
\_\_\_\_\_  
b. Will not substantially impair the intent and purpose of the zoning plan and ordinance \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IF APPLICATION IS FOR A USE VARIANCE, COMPLETE SECTION M. Not Applicable**

M. 1. Explain how the proposed use can be granted without substantial detriment to the public good or how the proposed use would tend to minimize the discordant effect of the use, be less harmful to adjacent properties or tend to bring the use into closer conformity with the zoning ordinance.

2. Explain how the proposed use can be granted without substantially impairing the intent and purpose of the zoning plan and the zoning ordinance.

3. List any "special reasons" related to the request.

4. List any "hardship" related to the nature of the land and/or the neighborhood which presents reasonable utilization of the property for any permitted use.

N. Itemize material accompanying application:

<u>Item</u>	<u>Number submitted</u>
1. <b>Plan entitled: "Alteration &amp; Addition for Ryan &amp;</b>	
2. <b>Rae Ann Barry, 191 VanHouten Avenue, Wyckoff, New Jersey</b>	
3. <b>dated 12/4/20, prepared by Canzani Architects consisting</b>	
4. <b>of 4 pages;</b>	
5. <b>Plan Entitled: "Plot Plan for 191 VanHouten Avenue,</b>	
<b>prepared by Omland &amp; Osterkorn, Inc. Consulting Engineers</b>	
<b>and Surveyors, consisting of 2 pages, dated 1/8/21.</b>	

Signature of Applicant: 

Signature of Owner(s): **Bruce E. Whitaker, Esq., Attorney for  
the Applicant**

Date of Application: **February 24, 2021**

## ADDENDUM

Ryan and Rae Anne Barry (hereinafter referred to as the “Applicant”) are the owners of 191 Van Houten Avenue, Wyckoff, New Jersey which is shown on the Tax Map of the Township of Wyckoff as Block 292, Lot 10 (hereinafter referred to as the “Property”). The Property is located in the RA-25 Rural Residents District.

The Property is deficient in lot area being 17,356 square feet, where 25,000 square feet is required. It has a deficient lot width of 116 feet, where 125 feet is required, and a deficient front yard setback of 35.2 feet, where 40 feet is required.

The Applicant is proposing to construct an addition to the one and one-half story single family dwelling unit that currently exists on the Property. The Applicant is proposing to add a second full story, create a roof over the current landing so that it is a covered landing, extend the garage with an addition, and add a one story family room with a deck off the rear of the dwelling unit. The current structure has a building area of 2,012 square feet. The proposed addition to the garage will be 157 square feet, the family room will be 489 square feet so that the first floor will now have a gross building area of 2,658 square feet. The Applicant is proposing a second floor over a portion of the first floor in the amount of 1,755 square feet, so the total gross building area will be 4,413 square feet. The new building area prompts an enhanced side yard setback of 25 feet. Currently the side yard setback is 19.8 feet to the existing dwelling unit, and the Applicant is proposing to maintain that side yard setback on the southerly side of the Property.

The Applicant’s proposal results in maximum lot coverage of 16.2%, where 15% is the maximum permitted. There is also a deck and shed that have a combined coverage of 2.6%, where 5% is the maximum permitted. Therefore the overall lot coverage proposed, is 18.8%, which is less than the maximum permitted of 20%.

The current front yard setback to the landing is 35.2 feet. The Applicant proposes to cover the same size landing with a roof, so that the setback would remain at 35.2 feet. This is an open structure and provides an appropriate covering over the landing at the front door for safe ingress and egress.

The Applicant therefore seeks the following variances:

- A. Front yard setback of 35.2 feet, where 35.2 feet exists, and where 40 feet is the maximum permitted. This variance relief is to basically permit the nonconforming front yard setback to exist with a roof now over the current landing;
- B. Side yard setback of 19.8 feet, where 19.8 feet currently exists, and an enhanced side yard setback of 25 feet is required;
- C. Lot coverage for the principal structure of 16.2%, where 12.4% currently exists, and 15% is the maximum permitted.

The Applicant seeks variance relief under N.J.S.A. 40:55D-70(C)(1) and (C)(2). The lot has two nonconformities, namely lot area and lot width. The lot area is only 69% of the minimum required. The lot width is only 93% of the minimum required. It is submitted that based upon the disparity in the lot area and lot width, the Applicant's proposal is de minimus in nature as it pertains to being 1.2% over the maximum lot coverage for a principal structure. It must also be recognized that the total building coverage is 18.8%, where 20% is the maximum permitted, and maximum impervious coverage is only 25.4%, where 35% is permitted. Conformity in this instance to the principal building coverage requirement would constitute a hardship. There is no exacerbation of the current side yard setback of 19.8 feet. The variance relief pertains to the fact that the overall principal structure now exceeds 3,700 square feet. However, the majority of that pertains to the creation of a second floor over this lawfully existing structure. The addition to the

rear of the dwelling unit meets bulk required setbacks. The redesign of this dwelling unit constitutes an upgrade architecturally and aesthetically, and constitutes a substantial benefit from a streetscape perspective and on that basis, variance relief is appropriate under N.J.S.A. 40:55-70(C)(2).

The Applicant is proposing a roof over the current landing at the front door. There is no exacerbation of the current front yard setback of 35.2 feet, where 40 feet is required. From a safety standpoint, it is appropriate to have a covered front landing to keep people entering and exiting the dwelling unit under a covering from rain, snow and ice. The roof itself, architecturally fits with the proposed improvements. The landing area still remains open. Variance relief is appropriate under N.J.S.A. 40:55D-70(C)(2) since safety factors are to be considered in granting variance relief, and is one of the purposes under the Municipal Land Use Law. Again, from an aesthetic standpoint, the architectural elements now provided constitutes an improvement to the streetscape.

It is submitted that variance relief can be granted without substantial detriment to the Zone Plan or Zoning Element of the Township of Wyckoff. The building as proposed does not overburden the lot. The majority of the addition constitutes a second floor over the existing footprint. The dwelling unit in its current condition is dated, and the proposed renovations and addition will bring the dwelling unit up to a standard in keeping with other homes within the neighborhood. The positive aspect in this particular instance is that the dwelling unit that is proposed will be renovated and create a better streetscape than what currently exists. The creation of additional garage space constitutes a positive planning element. The dwelling unit itself, fits within the character of the overall neighborhood.

For the foregoing reasons, it is respectfully requested that variance relief be granted as proposed.