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TOWNSHIP OF WYCKOFF  
BERGEN COUNTY, NEW JERSEY

PLANNING/ZONING

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
- (X) 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

EMAIL ADDRESS OF PERSON  
WHO COMPLETED APPLICATION

Bruce E. Whitaker, Esq.  
mcwhitlaw@optonline.net

PROPERTY HISTORY:

A. Owner: Eric C. Powers and Amy Powers  
 Address: 90 Wood Street, Wyckoff, New Jersey 07481  
 Telephone: 917-685-2446  
 Applicant name (if other than owner): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

B. Property Description:  
 Location: 90 Wood Street  
 Zoning district: R-15 Block: 264 Lot: 11  
 Existing use of building or premises: Single Family Residential

C. Type of variance requested: C-1

D. The variance requested is for the purpose of: Construction of a second floor addition and a small two-story addition to square off existing structure

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

F. Is the property sewered 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:  
 \_\_\_\_\_  
 \_\_\_\_\_

ADDRESS: 90 Wood Street BLOCK: 264 LOT: 11 (\*) 11/24/2022 FEE: \$40

ALL APPLICANTS COMPLETE SECTION J

J. ZONING DISTRICT - R-15 (Corner Lot)

DIMENSIONS

	Zoning Requirement	Present Layout	Proposed Layout	**See Note
1. LOT SIZE (sq. ft.)	15,000 min.	<u>9,981 SF</u>	<u>9,981 SF</u>	(X)
Frontage	100 min.	<u>99.81'</u>	<u>99.81'</u>	(X)
Depth	125 min.	<u>100.00'</u>	<u>100.00'</u>	(X)
2. SETBACKS				
Principal Building			<u>28.60' (structure)</u>	
Front Yard (#1) (ft.)	40 min.	<u>30.20'</u>	<u>25.20' (Porch)</u>	(X)
Front Yard (#2) (ft.)	40 min.	<u>26.90'</u>	<u>26.90'</u>	(X)
Rear Yard (ft.)	30 min.	<u>43.30'</u>	<u>43.30'</u>	( )
Side Yard (ft.)	15 min.	<u>30.00'</u>	<u>30.00'</u>	( )
* Accessory Structure(s) (deck, garage, shed, pool, etc.)		(Attach a separate sheet if necessary)		
Rear Yard (ft.)	10 min.	<u>10.00'</u>	<u>10.00'</u>	( )
Side Yard (ft.)	10 min.	<u>10.00'</u>	<u>10.00'</u>	( )
*ALL ACCESSORY STRUCTURE SETBACKS SHALL BE INDICATED ON SURVEY				
3. GROSS BUILDING AREA (GBA) per 186.65**				
Over 2,700 (sq. ft.) Side yard setbacks increase	20 min.	<u>2,700 SF</u>	<u>2,700 SF</u>	( )
Garage faces side yard setback increases to	27 min.	<u>N/A</u>	<u>N/A</u>	( )
(Less than 2,700 SF Proposed)				
4. BUILDING AREAS (footprint)				
Principal Building (sq. ft.)	.....	<u>952 SF</u>	<u>1,023 SF (71 SF ADDED)</u>	
Accessory Structures (sq. ft.)	LIST			
(Detached Garage)	.....	<u>450 SF</u>	<u>450 SF</u>	
.....	.....	<u>-</u>	<u>-</u>	
.....	.....	<u>-</u>	<u>-</u>	
5. LOT COVERAGE				
A. Principal Building (%)	15 max.	<u>9.54%</u>	<u>10.25%</u>	( )
B. Total Access. Structures (%)	5 max.	<u>4.51%</u>	<u>4.51%</u>	( )
C. Total (%) (A & B)	20 max.	<u>14.05%</u>	<u>14.76%</u>	( )
6. DWELLING AREA (Total sq. ft.)	1,100 min.	<u>71,00 SF</u>	<u>71,100 SF</u>	( )
First Floor	.....	<u>932 SF</u>	<u>1002 SF</u>	
Second Floor	.....	<u>492 SF</u>	<u>1114 SF</u>	
7. BUILDING HEIGHT (ft.)	35 max.	<u>24.2'</u>	<u>30.10'</u>	( )
Number of stories	2 1/2 max.	<u>1.5</u>	<u>2.5</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>1,473</u>		
▪ Driveways (paved or gravel) ✓	Sq. ft.	<u>998</u>		
▪ Patios and/or paved areas	Sq. ft.	<u>748*</u>		
▪ Walkways and brick pavers	Sq. ft.	<u>-</u>		
▪ Tennis Court	Sq. ft.	<u>N/A</u>		
▪ Swimming Pool Water Surface	Sq. ft.	<u>N/A</u>		
▪ Decks w/o free drainage	Sq. ft.	<u>N/A</u>		
TOTAL IMPERVIOUS COVERAGE:	Sq. ft.	<u>3,219</u>		
			<u>Space reserved for calculation</u>	
			<u>176 + 500 + 40 + 32</u>	
			<u>(*) Includes A/c PADS</u>	
			<u>3,219 (P) vs. 4,492 (MAX.)</u>	
			<u>Calculated % 32.25%</u>	( )
			<u>= 32.25%</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. <u>Site Plan &amp; Control Notes, Evans Architects, 1/24/22</u>	<u>2</u>
2. <u>Proposed Landscape Plan, Lastella, 1/28/22</u>	<u>2</u>
3. <u>Survey of Property, Harris 3/20/13 revised 1/26/22</u>	<u>2</u>
4. _____	_____
5. _____	_____

Signature of Applicant: 

**Eric C. Powers**

Signature of Owner(s): Same as above

Date of Application: 2/16/22

## ADDENDUM

Eric C. Powers and Amy Powers (hereinafter referred to as the "Applicant") are the Owners of 90 Wood Street, Wyckoff, New Jersey and shown on the Tax Map of the Township of Wyckoff as Block 264, Lot 11 (hereinafter referred to as the "Property"). The Property is located in the R-15 Zone.

The Property is located on the corner of Wood Street and Crescent Avenue and therefore, must adhere to the zoning requirements for a corner lot. The dwelling unit is a very dated 1 ½ story Cape Cod style dwelling unit with a front orientation to Wood Street.

The Property has the following nonconformities:

- A. The lot is deficient in lot area having 9,881 square feet, where 15,000 square feet is required;
- B. A lot depth of 100 feet, where 125 feet is required;
- C. A di minimus deficiency in frontage of 99.81 feet, where 100 feet is required;
- D. A front yard setback of 30.2 feet facing Wood Street, where 40 feet is required;
- E. A front yard setback of 26.90 feet facing Crescent Avenue, where 40 feet is required.

Besides the existing nonconformities, the lot also has an unusual shape in which the skewed lot line running along Crescent Avenue creates a front yard setback to the existing dwelling unit of 26.9 feet to its closest point, and a front yard setback of 28.4 feet to its farthest point. The easterly side of the dwelling unit is not squared off, but has an indentation which the Applicant is proposing to now square off which would create a front yard setback at its widest point of 29.8 feet.

The Applicant is proposing to construct a second story addition over the existing

footprint, and to square off the footprint of the southeast corner of the dwelling unit with a two-story addition. The small addition to square off the dwelling unit is approximately 71 square feet.

The Applicant seeks a variance to permit the front yard setback on Crescent Avenue to remain as its closest point at 26.9 feet, where 40 feet is required, and a front yard variance of 28.60 feet to the structure, and 25.20 feet to the portico in front of the door facing Wood Street, where 40 feet is required.

The Applicant seeks variance relief under N.J.S.A. 40:55D-70(C)(1) and (C)(2). The lot is unusual by way of shape and size as it pertains to the R-15 Zone. It has approximately 2/3 of the area required for a lot in the R-15 Zone, and is further encumbered by the fact that it is a corner lot that requires respecting two front yard setbacks. In addition, the lot lacks 20% of the depth required. The front yard setbacks to both Crescent Avenue and Wood Street are currently nonconforming. The Applicant's proposal is to merely construct a second story addition over the existing footprint, and to square off one section of the existing dwelling unit with a two-story addition of approximately 71 square feet.

It is important to note that the front yard setback to Crescent Avenue will not be exacerbated. It is currently 26.9 feet at its closest point, and it will remain that way.

The current front yard setback on Wood Street is 30.2 feet to the structure. The Applicant is proposing a front yard setback of 28.60 feet to the structure, which it is submitted, is a very *de minimus* change. Additionally, the front yard setback to the modest open portico in front of the door, will have a setback of 25.20 feet.

It is interesting to note that even with the deficiency in lot area, the Applicant does not

require variance relief for impervious coverage, or lot coverage. The principal structure will have a lot coverage of 10.25%, where 15% is the maximum permitted. Impervious coverage is permitted on a lot of less than 10,000 square feet to be 45% and in this instance, the Applicant's impervious coverage is only 32.25%.

Conformity to the Ordinances in this instance would constitute a hardship on the Applicant. There is but a minor intrusion into the front yard setback that is different from what already exists and therefore, it is submitted that the second floor addition does not really exacerbate the pre-existing nonconforming condition. It must also be recognized that there is a lawfully existing structure on the Property, and the Applicant's proposal in this instance in building up rather than out over what is basically the existing footprint, is appropriate from a planning perspective. The fact that the lot line is skewed on Crescent Avenue, and not perpendicular also creates a hardship in attempting to conform to the front yard setbacks.

The redesign of this dwelling unit constitutes an upgrade architecturally and aesthetically, and constitutes a substantial benefit from a streetscape perspective. On that basis, variance relief is appropriate under N.J.S.A. 40:55D-70(C)(2). It is recognized that an upgrade aesthetically to a property is a consideration in reviewing a request for variance relief, and this coupled with the C-1 Criteria, warrants variance relief in this instance.

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 dwelling unit as proposed does not overburden the lot. It merely takes a one and one-half story dwelling unit, and creates a two-story dwelling unit on basically the same footprint. The dwelling unit in its current condition is dated and the proposed renovations will bring the dwelling unit up to a standard in

keeping with other dwelling units within the neighborhood. As previously stated, 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, creating a dwelling unit itself that fits within the character of the overall neighborhood.

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