

To: Ridgewood Zoning Board of Adjustment
Jennifer Knarich, Esq.

From: John Barree, PP, AICP

CC: Jane Wondergem
Bruce Whitaker, Esq

Date: March 6, 2024

Re: ZBA 23-29 Gusfa
4888 Overbrook Road
Block 3612, Lot 14
"C" Bulk Variances

I have reviewed the following materials in preparation of this report, which updates and replaces the October 6, 2023 report issued by my office.

- Village of Ridgewood Board of Adjustment Application Form, dated July 11, 2023.
- Engineering Plans prepared by T.C. Vandervalk, PE, consisting of two (2) sheets, dated February 8, 2023, and revised through February 28, 2024.
- Architectural Plans prepared by John F. Musinski, AIA, consisting of two (2) sheets, dated May 9, 2023 and revised through February 26, 2024.
- Landscape Plan, prepared by Jesse Graziano, unsigned, undated.
- Survey of Property prepared by John J. Butler, PLS, dated July 7, 2022.
- Boundary and Topographic Survey prepared by Michael H. Darmstatter, PLS, dated October 26, 2022.
- Zoning Table

Property and Project Description

The subject property is a 15,206 square foot corner lot at the southwest intersection of Overbrook Road and North Van Dien Avenue. The property has approximately 110 feet of frontage on North Van Dien Avenue and approximately 140 feet of frontage on Overbrook Road.

The property survey shows a two-story frame dwelling with a driveway from North Van Dien Avenue to a detached garage behind the house. These improvements have since been demolished, and a new house has largely been constructed on the property.

The proposed / under construction new dwelling is a four-bedroom, two-story home with an attached two-car garage facing North Van Dien Avenue. The front of the dwelling is oriented toward Overbrook Road, and a front porch is proposed along approximately two-thirds of the building width. A covered portico is proposed on the east side of the dwelling facing North Van Dien Avenue.



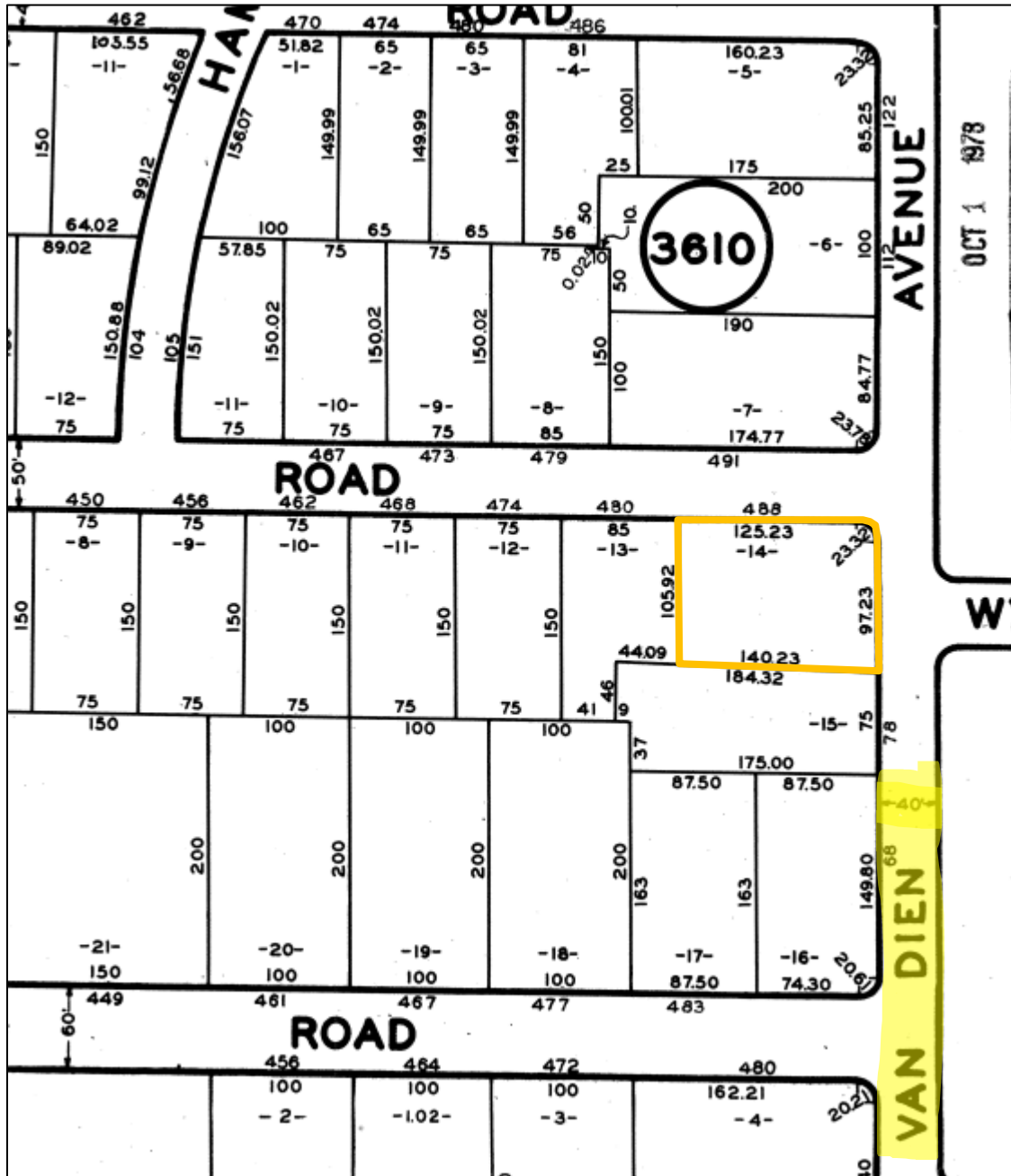
Zoning

The site is in the Village’s R-1 Residential District. The single-family home is permitted in the zone. The bulk table below indicates the project’s compliance and deviations from the bulk requirements:

R-1 Bulk Schedule		
	Required	Proposed
Min. Lot Area	16,800 sf (corner)	15,206 SF (ENC)
Lot Area within 140'	-	15,206 SF
Min. Lot Width	100 feet	105.9 feet (ENC)
Min. Lot Width @ Front Yard Setback	120 feet	110.3 feet (ENC)
Min. Lot Depth	120 feet	140 feet
Min. Front Yard Setback	40 feet - Overbrook 45 feet* - North Van Dien	40.1 feet – Overbrook North Van Dien 35.1 feet to porch (V) 37.1 feet to porch cover (V) 40.1 feet to building (V)
Min. Side Yard Setback	15 feet or 2/3 height of principal building = 21.13 feet	19.2 feet to porch cover** 21.3 feet to column 23.5 feet to dwelling
Min. Combined Side Yard Setback	33% of lot width @ front setback	n/a
Min. Rear Yard Setback	30 feet	34.1 feet
Max. Height	30 feet / 35 feet***	31.7 feet
Max. Total Coverage by Above Grade Structures	20%	18.5%
Max. Coverage by Above Grade Structures (140')	20%	18.5%
Max. Gross Building Area	29% / 4,620 SF	29%
Max. Gross Building Area (140')	29% / 4,620 SF	29%
Max. Coverage by Improvements	40% / 8,750 SF	34.9%
Max. Coverage by Improvements (140')	40% / 8,750 SF	34.9%
Max. Driveway Width	22 feet (1/5 of lot width)	32 feet (V)

(V) = Variance Required

* Per Section 190-119.A.(1)(a) where an abutting street is less than 50 feet in width, the required front yard setback shall increase by 50% of the difference between the street width and 50 feet. North Van Dien Avenue is 40 feet in width (see the tax map below), which is 10 feet less than 50 feet. Therefore, the required front yard setback to North Van Dien shall be 45 feet (40 feet + 50% of the 10 foot difference).



Portion of Village of Ridgewood Tax Map Sheet 36

**Per section 190-119.A(4)(a) Cornices and Eaves may project up to 2' into a required yard.

***Per Section 190-102.E(1) the maximum building height is permitted to be greater than 30 feet, but not more than 35 feet if the following requirements are met:

- (a) The lot in question has a width of at least 75 feet.
 The lot has a width of at least 75 feet.

- (b) The height of the building does not exceed 150% of the shallowest side yard depth.
The shallowest provided side yard is 21.3 feet to the porch column. 150% of 21.3 = 31.95 feet. The applicant is proposing 31.7 feet.
- (c) The pitch of any roof greater than 30 feet high is at least 8:12.
This information has not been provided, so compliance cannot be determined.

Variances & Waivers Required

- 1) Insufficient Front Yard Setback [190-102.E(2) / 190-119.A(1)(a)] – A minimum front yard setback of 45 feet is required to North Van Dien Avenue where a setback of 37.1 feet is proposed to the porch cover and 40.1 feet is proposed to the building façade.
- 2) Excessive Driveway Width [190-121.G(3)] – A maximum driveway width of 1/5 the lot width shall be permitted, which is approximately 22 feet for the North Van Dien side of the property. The applicant is proposing a driveway 32 feet in width within the front yard.

Existing Conditions

- 1) Insufficient Lot Area
- 2) Insufficient Lot Width

Planning Comments

- 1) The applicant requires bulk “c” relief for two deviations from the Village Zoning Ordinance. The required proofs shall be consistent with the standards found in the MLUL at section 40:55D-70.c, and shall demonstrate one of the following:
 - a) C(1) “hardship” variance relief can be granted if there is a particular physical aspect of the property size, shape, topography or other characteristic that creates a hardship that prevents conformance with the Ordinance.
 - b) C(2) “benefits vs. detriments” variance relief can be granted if the applicant demonstrates that the proposed relief furthers the purposes of zoning and that the benefits of the proposal outweigh the detriments.
 - c) In either case, the applicant must satisfy the “negative criteria” through a demonstration that the proposed relief will not be detrimental to the public health, safety, or welfare, and that the proposed relief can be granted without substantial impairment to the Borough’s Master Plan and Zoning Ordinance.
- 2) The dwelling as shown on the plans is under construction. The setback conditions for which the applicant requires relief have been built without the approval of the Board. Zoning and building permits were issued based on plans that were prepared using a survey that incorrectly identified the width of

North Van Dien Avenue, which impacted the permitted setback. The applicant is seeking variance relief to maintain the as-built condition.

- 3) The applicant is proposing a 32-foot-wide driveway in the front yard, which exceeds the permissible width of 22 feet. Prior plans included a driveway as wide as 40 feet in width. The current iteration of the proposed driveway includes a ten-foot-wide area, identified on the plans as a “turn-around” that exceeds the permitted width.
- 4) The applicant has revised the plans to eliminate most of the covered portion of the patio on the south side of the building. The revision includes columns located at the permitted setback line with a 2 foot roof line encroachment into the required side yard setback.
- 5) The applicant is no longer seeking the height variance that was identified in the previous review memo. Since the height limit and side yard setback are tied together, increasing the side yard setback by eliminating a portion of the covered porch removes the need for a height variance.
- 6) The applicant is proposing to relocate the free-standing electrical panel to a wall mounted location on the south façade of the building. In addition, the air conditioning units are proposed to be relocated beyond the required front setback line, thus eliminating the need for both variances that were previously identified on the record.
- 7) Affordable Housing Development Fees – The applicant shall comply with the Village’s Affordable Housing / Development Fee Ordinance at Section 190-144.B(1).