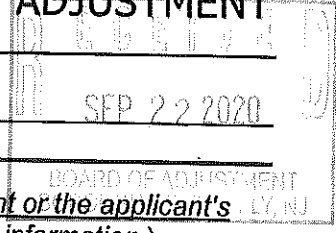


# APPLICATION TO THE TENAFLY BOARD OF ADJUSTMENT

APPLICATION #ZB2020 - 09 APPLICATION DATE: SEP 22 2020



*(All sections of this form must be fully completed by the applicant or the applicant's designated representative - please type or neatly print all information.)*

Property Street Address: 27 Chestnut Street, Tenaflly, New Jersey

Block: 1001 Lot: 12 Zone: R75 Historic Property:  YES  NO

Current Use: One Family Residence

Proposed Use: Two Family Residence

Applicant(s): Golan Shazo Phone: 917-939-7272

Address: 1315 Elmore Place, Fort Lee, NJ Email: \_\_\_\_\_

Applicant is the:  Owner  Contract Purchaser  Other: \_\_\_\_\_

Property Owner, if different from applicant: N/A

Address: N/A

Briefly describe what variance(s) or action is being requested by making this application:  
Floor area, lot coverage and side yard (one side)

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

Have there been prior Zoning Board or Planning Board applications involving this property?  
 YES  NO. If yes, please specify the date(s) and type of approval or action requested:

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

The variance or action requested above was:  GRANTED  DENIED

Are there any easements or deed restrictions affecting this property?  YES  NO  
If so, please explain and attach copies: \_\_\_\_\_

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

<b>ZONE DISTRICT R 7.5</b>			
	<b>ZONE</b>	<b>EXISTING</b>	<b>PROPOSED</b>
	<b>REQUIREMENT</b>		
<u>Lot Area</u>	7500SF	5000 sf	no change
<u>Lot width (at front yd setback)</u>	75'	35'	
<u>Front yard (at street)</u>	50'	35'	
<u>L side yard or L front yard</u>	10'	---	10.0'
<u>R side yard or R front yard</u>	10'	---	5.0'
<u>Rear yard</u>	30'	---	53.0'
<u>Detached garage:</u>	-		
<u>Side yard/ rear yard</u>	4' / 4'		N/A
<u>Accessory building:</u>			
<u>Side yard/rear yard</u>	4' / 4'		N/A
<u>Lot coverage-principal structure</u>			
percent of lot/-square feet	25%		27.43% (1440 SF)
<u>Front yd coverage by driveway</u>			
percent of front yard	30%		57%
<u>Rear yard coverage</u>			
percent of rear yard	50%		
<u>Fences/walls &amp; Hedges</u>			
percent open/ height			
<u>Height of Main Building</u>			
number of stories/ feet	2.5 / 30'		2.5 stories
<u>Floor Area Ratio</u>			
percent of lot/ square feet	37.5% / 2812.5SF		38.10% (2000 SF)
<u>Total Impervious coverage</u>	45%		41.9% (2200 SF)
<u>Max Driveway Area</u>	30% (263 SF)		51.14% (500 SF)
<u>Floor Area Ratio Calculation:</u>			
SF, measured at outside walls ea			
floor.			
Basement			
First Floor			960 SF
Second Floor			
Third Floor			
Attached <del>Detached</del> Garage			480 SF
Accessory Structure			
<b>TOTAL:</b>			1,440 SF

Tenafly BOA

*If a question below does not apply to the type of variance or action being requested, please write N/A for "Not Applicable".*

Please check the kind of determination or variance you seek:

N/A (a) A determination that the Zoning Officer did not correctly apply the Ordinance.

N/A (b) An Interpretation of the Zoning Code or map.

Yes (c) A dimensional variance for a structure, surface pavement or required parking other than listed under (d) below.

N/A (d)  A use variance

An expansion of a non-conforming use

A deviation from a requirement which relates solely to a conditional use. [N.J. Statute 40:55D-67.]

An increase in FAR

Other: \_\_\_\_\_

N/A (e) Permission to build on a lot which does not abut on an improved street [N.J. Statute 40:55D-35.]

*(Additional pages may be attached if more space is required to answer any of the following questions. Please be sure to reference the question number(s) being answered.)*

1. If your application is the kind described in (a) or (b) above, please explain.

N/A

2. If your application is the kind described in (c) or (e) above, do you claim that strict application of the Code would result in peculiar and exceptional practical difficulties to you, or exceptional and undue hardship on you, because of:

- i) exceptional narrowness, shallowness or shape of lot?  YES  NO
- or ii) exceptional topographical conditions?  YES  NO
- or iii) an extraordinary and exceptional situation uniquely affecting your lot and the structure(s) thereon?  YES  NO

- 2a. If yes, please specify the exceptional condition and how it results in the difficulties or hardship you claim:

At issue is a building zone that allows for a two family residence but a pre-existing lot that does not conform to the zone requirements. The lot is undersized and would be undersized whether a one-family or a two-family. Side yards of 10ft would result in an unreasonable dwelling that is 15ft wide and thus the hardship. Applicant proposed to demolish the pre-existing one-family residence in excess of 100 years old and proposed a new two-family dwelling with mechanicals that are up to 2018 NJ Residential Code standards. The proposed two-family dwelling would be consistent with ongoing developments in the area and would be an enhancement to the existing zone. The purpose of the Municipal Land Use Law would be advanced in the new development.

3. If you seek a dimensional or parking variance under (c) above, do you claim that the purposes of the Municipal Land Use Law (NJSA 40:55D-2) would be advanced by the deviation from the Code requirement?

YES  NO If yes, please explain:

At issue is a building zone that allows for a two family residence but a pre-existing lot that does not conform to the zone requirements. The lot is undersized and would be undersized whether a one-family or a two-family. Side yards of 10ft would result in an unreasonable dwelling that is 15ft wide and thus the hardship. Applicant proposed to demolish the pre-existing one-family residence in excess of 100 years old and proposed a new two-family dwelling with mechanicals that are up to 2018 NJ Residential Code standards. The proposed two-family dwelling would be consistent with ongoing developments in the area and would be an enhancement to the existing zone. The purpose of the Municipal Land Use Law would be advanced in the new development.

4. If you seek a variance under (d) above, NJSA 40:55D-70(d) requires proof of what is known in zoning law as "special reasons". In your case, do you claim that the land or building cannot be reasonably used by anyone for one of the uses permitted in the Zone District?

YES  NO If yes, please explain:

N/A

5. Do you claim that there is some reason why the land or building is specially suited for a use not permitted in the Zone District?

YES  NO If yes, please explain:

N/A

DEPARTMENT OF BUILDINGS

ZONING OFFICE

LETTER OF DENIAL

BOROUGH OF TENAFLY

Date: 07/13/2020

Re:Application#: 5946

To:  
SHAZO, GOLAN  
1315 ELMORE PL  
FORT LEE NJ 07024

Voucher/Receipt#	65420
Check #:	2329
Amount collected	\$ 25.00

Your application for a permit to:

NEW TFR

on the property at 27 CHESTNUT ST TENAFLY Block : 1001 Lot : 12  
has been denied for noncompliance with provisions of Article (s) : 35 Sections :801.4b of the Municipal Zoning Ordinance for the following reasons:

**10' SIDE YARD SET BACK REQUIRED - 5' PROPOSED; 25% MAXIMUM LOT COVERAGE ALLOWED - 27.43% PROPOSED; 37.5% FAR PERMITTED - 38.10% PROPOSED; 30% (268.5 SF) DRIVEWAY COVERAGE ALLOWED - 57% (500 SF) PROPOSED**

Information on procedures for an appeal of this decision to the Board of Adjustment can be obtained from the Secretary of the Board of Adjustment. It should be noted that under State Statute, notice of appeal of this decision must be filed with this office not later than (20) days from the date of this notice. You can also file for a variance to the board of Adjustment and can obtain from the Secretary of the Board of Adjustment the required forms .

The permit which you submitted has been placed in the inactive files in the Department of Buildings, Zoning Office. Please contact this office to reactivate this permit.

Denied by:

\_\_\_\_\_

Robert E. Byrnes, Sr.

Zoning Official

CC: Secretary, Board of Adjustment  
Permit  
Letter  
Robert E. Byrnes, Sr., Zoning Official