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BOARD OF ADJUSTMENT

WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT  
APPLICATION FOR VARIANCE, APPEAL OR INTERPRETATION

Name of Applicant: Team Contractors, LLC Phone #: Please contact Attorney

Address: 45 Shawnee Ave., Rockaway NJ 07866

Owner's Name: Team Contractors, LLC Phone #: Please contact Attorney

Address: 45 Shawnee Ave., Rockaway, NJ 07866

Attorney's Name: David Shivas, Esq. Phone #: 973-442-7900

Firm & Address: Bell & Shivas, LLP, P.O. Box 228, 150 Mineral Springs\*  
\*Drive, Rockaway, NJ 07866

Name & Address of person preparing plans: Engineer Phone#: 973-663-6540  
*(Profession)*

Name: Kenneth Dykstra, P.E.

Address: 21 Bowling Green Parkway, Suite 204, Lake Hopatcong, NJ 07849

Name and Address of Intended witness: (List additional names on rider)

Alex Veman Phone #: \_\_\_\_\_

Kenneth Dykstra Phone #: 973-663-6540

Location of Property: 5 Second St. (lot 17), Second St. (lot 18)  
12 *(Street Number & Name)* 17, 18 R-20V 72,707 sq. ft. (combined)  
*(Tax Map Block)* *(Lot)* *(Zone)* *(Total Area of Acreage)*

Total Square Footage of Building: see renderings Total Square Footage of Lot: 72,707

Number of Stories: 2

List any zoning variances known, design standard exceptions or waivers required: and attach as a separate rider, you factual basis and legal theory for the relief sought. If an appeal or interpretation is involved set forth on the rider the reasons why the relief you are seeking should be granted.

Lot 17, front yard setback, 21 feet proposed.

Lot 18, front yard setback, 20 feet proposed.

Lot 17, maximum FAR proposed, 0.165

Above variances are listed based on proposed lot subdivision

Deed restriction that apply or are contemplated (If no restrictions, circle "NONE", if "YES") Attach copy.

\_\_\_\_\_ Change in Occupancy, Utilizing Existing Facilities

\_\_\_\_\_ Addition(s) or Expansions of Existing Facilities

\_\_\_\_\_ All New Construction

\_\_\_\_\_ Site Work Only

Present or Previous Use: Residential

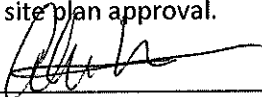
Proposed Use: Residential

Briefly describe and prior or presently pending proceedings before the Warren Township Zoning/Planning Board or any other Federal, State or Local Board or Agency involving the property which is subject to this application.

Applicant's engineer will file with NJDEP any necessary

applications with respect to wetlands (not currently pending)

If applicable, attach completed application forms for subdivision or site plan approval.

  
Signature of Applicant(s) 12-11-2020  
Date

Consent of Owner(s) if other than applicant

I (we) the undersigned being the owners of the lot or tract described in the forgoing application hereby consent to the making of this application and the approval of the plans submitted herewith.

Date: \_\_\_\_\_

\_\_\_\_\_  
*(Title or office if corporation or partnership)*

**Do not write below this line-for official use only**

Class of Approval Requested

\_\_\_\_\_ (a) Appeal

\_\_\_\_\_ (b) Interpretation

\_\_\_\_\_ © Bulk Variance

\_\_\_\_\_ (d) Use Variance

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**MEMORANDUM OF LAW IN SUPPORT OF**  
**APPLICATION OF TEAM CONTRACTORS, LLC FOR VARIANCE APPROVAL**

The factual testimony to be presented to the Board will demonstrate that Team Contractors, LLC is the owner of Block 12, Lots 17 and 18. The lots are located in the R-20V zone. An existing single family dwelling is located on lot 17. The Applicant proposes to construct a new dwelling on lot 18.. Essentially, this application will accomplish a lot line adjustment. In that connection, each lot requires a front yard setback variance, and a floor area ratio variance is required for lot 18 (a floor area ratio variance being )a “D” variance with the more substantial burden of proof), the Applicant proposes to demonstrate that this property is particularly suited for the proposed development in the configuration shown, and that there is no reasonable alternative development available. There are environmental constraints on the property, as the Applicant’s engineer will testify, and the location and size of the proposed development is entirely appropriate for the area. The other two variances are “C” bulk variances solely for front yard setback. The justification for the “C” variances also bolsters the case for the Floor Area Ratio “D” variance. The setback variances satisfy the positive criteria under NJSA 40:55D-70(c) under both the (C)(1) “hardship” requirements and the (C)(2) benefit/burden analysis. With respect to the hardship standard, the Applicant requires variance relief in order to avoid being saddled with one lot that has a dwelling on it and is non-conforming, and a second lot that is unoccupied and non-conforming. In short, the Applicant would have a vastly oversized area of property, that is irregularly shaped, and is inconsistent with sound land use planning. From the standpoint of the benefit/burden analysis (sometimes referred to as the “better zoning alternative” criteria), the Application clearly satisfies the requirements, as the proposed two lot subdivision is more consistent with the existing pattern of development in the area, and with the

zoning requirements for the R-20V zone, than if the property were to remain in its current configuration and layout.

With respect to the Floor Area Ratio, the property is particularly suited for this use, and for a dwelling of the proposed dimensions. The Applicant does not wish to put an undersized house on the property (and presumably the neighbors would not want one there, either, as it would be an anomaly, and inconsistent and with sound planning practices). The Applicant recognizes the substantial burden for a "D" variance relief, but this is a case where the particularly suitability is fully satisfied.

With respect to the negative criteria (required in addition to the positive criteria addressed above), the nature of the application being essentially a lot line adjustment should assuage any concern over the negative criteria. The existing dwelling, although being renovated and expanded, is still in the same location and variance relief will surely not generate the level "substantial" impact or effect that would potentially impact the application. There will still be two lots, and there will be two dwellings, albeit one is already there. The other will developed to harmoniously integrate into the existing neighborhood; such a result is beneficial not only to the property owner, but to those who own property nearby, as the new house will replace an existing, vacant lot.

### **LIST OF VARIANCES REQUESTED**

1. Lot 17, minimum front yard setback to a principal building, 50 feet required, 21 feet proposed.
2. Lot 18, minimum front yard setback to a principal building, 50 feet required, 20 feet proposed.
3. Lot 17, maximum floor area ratio permitted, 0.125; Applicant proposes 0.165.