

MADISON BOROUGH ZONING BOARD OF ADJUSTMENT

RESOLUTION

**Martin Bengsston & Karin Lindgren - Application No. Z-15-007
9 Barnsdale Road - Block 4803, Lot 10
Adopted April 9, 2015**

WHEREAS, Martin Bengsston and Karin Lindgren applied to the Madison Borough Zoning Board of Adjustment for a variance from the side setback requirement in Schedule I of the Land Development Ordinance to permit construction of a second story addition over a portion of a one story enclosed side porch and related improvements to the residence on property located in a R-2 Zone at 9 Barnsdale Road and designated on the Borough Tax Map as Lot 10 in Block 4803; and

WHEREAS, the Board of Adjustment conducted a public hearing on the application at a meeting on March 12, 2015 at the Hartley-Dodge Memorial Building, for which public notice and notice by applicants were given as required by law; and

WHEREAS, the Board of Adjustment considered the testimony and exhibits presented during the public hearing; and

WHEREAS, at the meeting on March 12, 2015, the Board of Adjustment adopted an oral resolution approving the variance application, subject to certain conditions and based on findings and conclusions as memorialized herein;

NOW, THEREFORE, BE IT RESOLVED by the Madison Borough Zoning Board of Adjustment, this 9th day of April 2015, that approval of the variance application of Martin Bengsston and Karin Lindgren is hereby memorialized as follows:

Findings of Fact and Statement of Reasons

1. The applicants reside in the single-family residence on the property.
2. The property has a lot size of 15,800 square feet, which exceeds with the 15,000 square foot minimum. The residence is nonconforming due to the left side setback (13.7' vs. 20' minimum) and principal building coverage ratio (13.38% vs. 12.5% maximum), as shown on a marked copy of a survey prepared by Benjamin and Wizorek, Inc., dated May 9, 2014, and on a plot plan and zoning table included with architectural plans prepared by AHM Architects LLC, dated January 15, 2015.
3. The applicants proposed to construct a second story addition over a portion of an existing one story enclosed porch to the left side of the residence and reconfigure the adjacent second floor area in order to create an enlarged master bedroom suite, as shown on the architectural plans.
4. The proposed second story addition would maintain the nonconforming left side setback of 13.7', requiring a variance from the 20' minimum.
5. Testimony in support of the application was provided by architect Douglas Miller,

who explained the proposed improvements.

6. No neighbor or member of the public objected to the application.
7. The need for a left side setback variance is attributable to the residence's nonconforming left side setback. The proposed addition will involve a limited vertical enlargement that will maintain the nonconforming side setback of 13.7'.
8. The addition will not result in any increase in building height, and there will be no change to the front appearance of the residence.
9. The addition will not alter the nonconforming principal building coverage ratio.
10. The proposed improvements will not result in any adverse impacts on adjacent properties.
11. Under the particular circumstances of this property, including the location and design of the existing and proposed improvements, strict enforcement of the zoning requirements would impose exceptional practical difficulties on the applicants by precluding the proposed addition.
12. The requested variance can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance for the Borough of Madison.

Description of Variance and Conditions

1. A variance is hereby granted from the 20' minimum side setback requirement in Schedule I of the Land Development Ordinance to allow construction of a second story addition over a portion of an existing one story enclosed side porch that will maintain the nonconforming minimum left side setback of 13.7', as shown on a marked copy of a survey prepared by Benjamin and Wizorek, Inc., dated May 9, 2014, and on architectural plans prepared by AHM Architects LLC, dated January 15, 2015.
2. This variance is based on and authorizes only the specific improvements proposed by the applicants as set forth in the application, testimony and plans. New or amended variance relief may be required for any different improvements.
3. The applicants shall pay any outstanding property taxes or fees and obtain a building permit and any other necessary approvals.
4. Pursuant to Section 195-10(H) of the Ordinance, this variance shall expire if the approved construction is not commenced within 2 years after the date of publication of the notice of decision for this resolution.

Vote on Resolutions

For the Oral Resolution: DeRosa, Driscoll, Elias, Paetzell, Poeter, Santoro & Karr.

Against the Oral Resolution: None.

For the Form of the Written Resolution: DeRosa, Elias, Paetzell, Poeter & Santoro.

Against the Form of the Written Resolution: None.

Certified to be a True Copy

By: _____
Frances Boardman, Secretary

Dated: