

**RESOLUTION #2020-001**

**RESOLUTION OF THE BOARD OF ADJUSTMENT  
OF THE BOROUGH OF HAWTHORNE**

**In the matter of:**

**Robert and Cristen Verrengia (“Applicant”)  
43 Sunrise Drive  
Lot 6, Block 276.01  
Hawthorne, New Jersey 07506**

WHEREAS, The Applicant made application to the Borough of Hawthorne Board of Adjustment for bulk variance approval in connection with the premises known as Lot 6, Block 276.01, commonly referred to as 43 Sunrise Drive (the “Property”), located in the R-1-Single Family Residential Zone; and

WHEREAS, as a result of the Application, Applicant requests approval to allow construction of a first floor and second floor addition, resulting in the following variance relief:

(a) minimum side yard setback of 15 feet is required. A setback of 11.1 feet is proposed and an existing setback of 3.3 feet is proposed to remain;

(b) minimum combined side yard setback is 40 feet required. A setback of 29 feet is proposed and an existing combined setback of 12.7 feet is proposed to remain; and

WHEREAS, the Board reviewed this matter at its public hearing on February 24, 2020; and

WHEREAS, after due consideration and deliberation at the aforementioned hearing, the Board did vote upon the Application and instruct the Board Attorney to prepare a Resolution memorializing the vote taken; and

WHEREAS, the Zoning Board of Adjustment of the Borough of Hawthorne makes the following findings of fact, based upon the evidence presented at its public hearing:

1. The Applicant is the owner of the Property. The Property is located in the R-1 Single Family Residential District which is designed for single family residential use.

2. The Applicant has submitted satisfactory evidence of having given statutory notice pursuant to N.J.S.A. 40:55D-12.

3. The Applicant submitted the requisite Application, dated January 2, 2019, along with plans prepared by Applicant dated December 14, 2019 (last revised February 10, 2020). The Applicant, Robert Verrengia, was sworn. The Board finds, based on his testimony and plans presented that Applicant proposes an addition to their home, which includes construction over an existing garage and an expansion to the rear of the home. The setback over the garage is proposed at 3.3 feet. The addition towards the rear is at 11.1 feet.

The property is irregular shaped, being wider in the front (74.45 feet) and narrower in the rear (58.59 feet). This results in a hardship to the Applicant.

4. Relief exists pursuant to N.J.S.A. 40:55D-70(c)(1) which requires that the Applicant, in order to demonstrate hardship, must show that, due to an existing condition relating to a specific piece of property or the structures lawfully existing thereon, the strict application of the zoning ordinance in question would result in undue hardship upon the developer warranting a variance from the regulation in question. This is known as a hardship or "C1" variance.

5. In this instance, the Applicant has demonstrated that due to the existing conditions of the property, namely, it's irregular shape, which results in practical difficulties and undue hardship upon the Applicant. The Board further finds that requested variance does not pose a substantial detriment to the public good and does not substantially impair the purpose and intent of the Borough of Hawthorne Zone Code or Zone Plan.

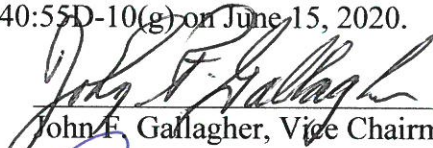
6. In reviewing the Application, evidence and testimony, the Board further finds that the variances requested by the Applicant can be granted in this instance. The Applicant has demonstrated that the proposed structure will be consistent with the existing character of the neighborhood and will promote the purposes of zoning set forth at N.J.S.A. 40:55D-2. The


Board in this instance finds that the benefits to be derived from the granting of the variance requested outweigh any possible detriment resulting from the approval of the variances.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Borough of Hawthorne that the Application of Robert and Cristen Verrengia with respect to the Property, requesting variance relief as set forth above, be and is APPROVED for the requested side yard setback and combined side yard setback variances enumerated above, subject to the terms and conditions hereinafter set forth:

1. The foregoing findings of fact and conclusions of law are incorporated herein as if set forth at length.
2. The Applicant shall obtain approval from all other governmental agencies having jurisdiction over the subject Application and development, if any.
3. The Applicant shall pay all fees due and owing to the Borough of Hawthorne, including the posting of any application fees, review fees, inspection fees and/or escrow fees which may be due, prior to the issuance of any building permits.
4. The Applicant shall comply with all applicable rules, regulations, ordinances and statutes of the Borough of Hawthorne, County of Passaic and State of New Jersey with regard to the application.

The undersigned certifies that the within Resolution was adopted by the Board and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on June 15, 2020.

  
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John F. Gallagher, Vice Chairman

  
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Joan Herve, Board Secretary

OFFERED BY: DeRitter  
SECONDED BY: Chamberlin  
VOTE: Ayes: 5  
Nays: 0  
Abstain: 1