

RESOLUTION #2024-001

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

In the matter of:

**[REDACTED]
92 Sunrise Drive
Lot 4, Block 276.04
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 4, Block 276.04, commonly referred to as 92 Sunrise Drive (the “Property”), located in the R-1-A Single Family Residential Zone; and

WHEREAS, as a result of the Application, Applicant requests variance approval to allow construction of a single story addition in the rear of the home totaling 440 square feet. The variance relief sought is for a minimum rear yard setback, where 50 feet is required and a 43.3 foot setback is proposed

WHEREAS, the Board reviewed this matter at its public hearing on December 18, 2023; 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-A 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, along with a plan prepared by Arlenis Dominguez, Architect, dated September 12, 2023. Applicant's Architect Arlenis Dominguez gave a brief overview of the application, namely that Applicant proposes to construct a one story addition at the back of the existing home directly over the current location of a rear yard patio. No soil movement is required with the project. The witness confirmed the Property is undersized, with deficient width and depth thus representing an undue hardship.

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, insufficient lot width and lot depth, an undue hardship upon the Applicant exists. 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, especially since the proposed addition is a one story addition.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Hawthorne that the application made by [REDACTED] with respect to the Property be and is APPROVED for the requested rear yard setback variance 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 update their plans to add dimensions of the existing deck so that it is shown that the proposed addition is to be located exactly on top of the existing patio.

5. 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, inclusive of Ms. Dominguez’ testimony that drainage concerns will be addressed in accordance with the Borough of Hawthorne Construction and Engineering Department comments and directions.

6. Subject to all information, stipulations, testimony and evidence presented by Applicant during the hearing.

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 _____, 2024.

John F. Gallagher, Chairman

Joan Herve, Board Secretary

	Motion	Second	Aye	Nay	Abstain	Absent
Chairman Gallagher			x			
Vice Chairman Schroter			x			
Board Member Cuttitta			x			
Board Member DeMarco	x		x			
Board Member Hatch			x			
Board Member Totaro		x	x			
Board Member Wenzke						
Board Member Lind (alt. 1)			x			
Board Member Ramirez (alt. 2)						