



BOROUGH OF FAIR HAVEN

748 River Road
New Jersey 07704

NICOLAS J. PORUCHYNSKY • ZONING OFFICER • MUNICIPAL BUILDING
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April 17, 2019

Mr. Hans Zimmerer
139 Park Road
Fair Haven, NJ 07704
(via email: hans.zimmerer@gmail.com)

**Re: 139 Park Road
Fair Haven, New Jersey 07704
Block: 7, Lot: 15, R-10 zone
Zoning Permit Application # 19-59**

Dear Mr.Zimmerer:

I am in receipt of your zoning permit application and supporting plans for the above-mentioned address including the following:

1. Zoning permit application form and fee received on April 5, 2019 by the Zoning Office.
2. Copy of property survey of the subject lot dated July 13, 2017 prepared by Charles V. Bell Associates Inc. signed by Charles V. Bell, Jr., PLS, showing the current on existing conditions.
3. Architectural plans entitled, "Zimmerer Residence", prepared and signed by Anthony M. Condouris, signed and dated 08/01/18, no revisions.

It is my understanding that you are seeking approval to construct new residential dwelling. After reviewing your application was found not to comply with the requirements set forth in the Fair Haven Land Use and Development Regulations.

Your application is therefore **DENIED** and the following variances will be required before zoning approval can be granted:

<i>Ordinance Section</i>	<i>Requirement</i>	<i>Proposed</i>
§ 30-5.1 Table "C"	The minimum Lot Area for a Corner Lot in the R-10 zone is 11,500 sq. ft.	The existing and proposed Lot Size is 9,569 sq. ft., an <i>Existing Non-Conforming Condition</i> .

<i>Ordinance Section</i>	<i>Requirement</i>	<i>Proposed</i>
§ 30-5.1 Table “C”	The minimum Lot Frontage and Lot Width for a Corner Lot in the R- 10 zone is 95 feet.	The existing and proposed Lot Frontage and Lot Width on Park Road is 74.4 feet is a <i>pre- existing non-conforming condition.</i> The Lot Frontage and Lot Width on Park Ave is 157.48 feet are <i>conforming.</i>
§ 30-5.1 Table “C”	The minimum Front Yard Setback for Principal Building and Structure in the R-10 zone is 30’.	The existing Front Yard Setback on Park Road is 26.1. feet and the proposed is 25 feet resulting in an <i>expansion of a non-conforming condition.</i> Variance Required The existing Front Yard Setback on Park Avenue is 25.6 feet and the proposed is 15 feet resulting in an <i>expansion of a non-conforming condition.</i> Variance Required
§ 30-5.1 Table “C”	The minimum required Single Side Yard Setback in the R-10 zone for principal structures is 10 feet on one side.	The single side yard setback is 4.4 feet existing, and 5 feet (to raised patio) proposed. Variance Required.
§ 30-7.8 a, 2	Detached Accessory Buildings shall not be located in a front yard.	The proposed Accessory Building (Garage) is located in the Front Yard. Variance Required.
§ 30-5.1 Table “C”	The minimum required Rear Yard Setbacks for an Accessory Structure (Garage) in the R-10 zone are 10 feet.	The proposed Rear Yard Setback for the Accessory Structure (Garage) is 5 feet. Variance Required.
§ 11-4.10	Swimming Pool Location - In no event shall any swimming pool (and associated coping or patios) be constructed or installed nearer than ten (10) feet to any property line of the property upon which the pool is to be located.	The proposed swimming pool (and associated coping or patios) are 4.75 feet from the side property line. Variance Required
§ 30-5.1 Table “C”	The maximum permitted Habitable Floor Area in the R-10 zone is lesser of HFA maximum allowable of 3,220 SF or and/or HFA Ratio 0.28 of the Lot Area (9,569 SF x 0.28 = 2,679 SF).	The proposed Habitable Floor Area is identified as 2,948 by the architectural plans. The HFA Ratio will be 0.308 and the HFA proposed of 2,948 SF exceeds the HFA allowable of 2,679 SF Variances Required.

Please be advised that you have the option of amending this application to conform to the requirements set forth in the Borough's Land Use and Development Ordinance or you can apply for relief from this ordinance by submitting an application to the Borough's Zoning Board of Adjustment. You also have the option as per NJSA 40:55D-72a of appealing my ruling to the Borough's Zoning Board of Adjustment by filing a notice of appeal with my office within 20 days from the date of my letter.

If you choose to seek relief or want to file an appeal, please contact Ms. Judy Fuller in the Zoning and Planning Board Office at 732/747-0241 ext. 212 to obtain the required application forms and further information regarding the Zoning Board of Adjustment approval and appeal process. Ms. Fuller's office hours are on Tuesdays and Thursdays from 8 AM to 12 Noon. If you desire to amend your application, please submit an amended plan to my office.

If you have any questions regarding the denial of this application, please feel free to contact me at the number or e-mail address above.

Sincerely,

A handwritten signature in black ink, reading "N.J. Poruchynsky." The signature is written in a cursive, slightly slanted style.

Nicolas J. Poruchynsky, PE, PP, CME
Assistant Director of Engineering and Public Works,
Zoning Officer

CC: File

Richard Gardella, Director of Engineering and Public Works (*via email*)
Judith Fuller, Board Secretary (*via email*)
Jim Kennedy, ZB Engineer (*via email*)
Anthony Condouris (*via email: tony@amcarchitect.com*)