


Township of Lawrence
ENGINEERING DEPARTMENT

TO: File

FROM:  Brenda Kraemer, Assistant Municipal Engineer

SUBJECT: Bulk Variance Application No. ZB-4/24
Javaid Akhtar, 31 Port Mercer Road
Tax Map Page 52.05, Block 5201.01, Lot 18

DATE: January 30, 2025

General:

The applicants have requested a variance to permit construction of an enclosed sunroom on the existing rear yard deck at 31 Port Mercer Road in the Yorkshire Village development.

Detailed Report:

1. The Yorkshire Village development was approved via a settlement agreement between the Township and the developer. Specific yard setbacks were established by the Planning Board at the time of approvals to allow development of appropriately sized dwellings on 5,000 – 6,000 square foot lots. The rear yard setback in the PVD-2 Zone is 35'; Yorkshire Village was approved with a 25' rear yard setback.
2. The homeowner's association documents for the development recorded in 1998 reflect all prior approvals, settlement agreements and resolutions. The plans stamped and distributed per Resolution of Memorialization 10-95 show the proposed yard setbacks for the development, including the 25' rear yard setback.
3. It is our opinion that the developer already received variances from the Lawrence Township Land Use Ordinance to construct the development. An addition in the existing rear yard principal building setback does not meet the intent of the ordinance or the settlement agreement that led to the development. The applicant shall provide testimony in support of this deviation.
4. It appears that the existing deck was constructed in violation of the required rear yard deck setback (15' required, 13.5' provided). The applicant shall clarify the age of the deck and whether it was constructed by a previous owner.
5. If a variance is granted, there will be insufficient space for any additional improvements (such as a shed), as the rear yard provided will only be 13.5' and the rear yard is encumbered with a drainage easement. No structures or improvements are permitted in easements. The applicant shall provide information regarding future plans for the rear yard.

BK/jrt

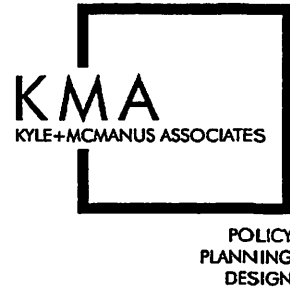
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Documents Reviewed:

- Application No. ZB-4/24
- Variance Plan, dated October 2, 2024

February 11, 2025

Lawrence Township Zoning Board of Adjustment (via e-mail)
2207 Lawrenceville Road
PO Box 6006
Lawrence Township, NJ 08648



Re: Javid Akhtar – ZB-4/24
Block 5201.01, Lot 18 – 31 Port Mercer Road
Bulk Variance Relief
PVD-2 Planned Village District 2

Dear Board Members:

Pursuant to the Board's request, we have reviewed the above captioned matter for compliance with the Land Use Ordinance of the Township of Lawrence. The material reviewed, as supplied by the applicant, included the following:

1. Land Use Application and supporting documents.
2. Specifications & Notes, Building Data, prepared by Lionel A. Scriven, RA, dated 10/2/2024 consisting of one sheet.
3. Property Survey, undated with no title block.

Based on the information provided, the applicant seeks bulk variance relief to construct a 28' x 10' sunroom addition to the rear of the existing dwelling. The addition is proposed to be constructed over an existing deck structure that will extend half the width of the existing dwelling. As shown on the construction drawings, the structure is 10' tall as measured from the deck surface to the peak of the gable roof. The walls consist of windows with panels above and below.

The subject property, known as Block 5201.01, Lot 18, with a street address of 31 Port Mercer Road, is 6,365 square feet in size with 78' of frontage on Port Mercer Road. The site currently contains a two-story single-family dwelling with an existing attached deck and patio. Other single-family dwellings are on either side and the property backs to an existing single-family dwelling that fronts on Quaker Road, although there are no improvements on that lot where the sunroom is proposed and there is an existing 6' stockade fence along the common property line.

Zoning

The subject property is located in the PVD-2 Planned Village Development District, and the existing single-family use is permitted. The table on the following page lists the bulk requirements for the PVD-2 District and compares them to the applicant's proposal. We note that while there are existing nonconforming conditions relative to the standards, according to

the Board Engineer, the developer was granted relief at the time the project was approved in the early 2000's.

	Permitted	Existing	Proposed
Minimum Lot Size	9,000 SF	6,365 SF *	No Change
Minimum Lot Frontage	75'	80.17'	No Change
Minimum Lot Width	75'	80'	No Change
Minimum Lot Depth	90'	100'	No Change
Minimum Front Yard	30'	25.8'*	No Change
Minimum Side Yard	10'	Right: 11.29' Left: 6.32' *	Right: No change Left: 6'**
Minimum Rear Yard	35'	25.43' *	13.5'***
Minimum Useable Yard Area	20% of each yard	>20%	No change
Maximum Building Height	35' / 2.5 stories	Not specified	Not specified

* Indicates existing nonconforming condition

** Indicates variance required

As noted in the table above, there are several existing nonconforming conditions related to minimum required lot size and minimum front yard that are not impacted by the proposed sunroom addition. The applicant requires the following "new" bulk variance relief:

1. §412.E.1.f – minimum side yard setback, where 10' is permitted, 6.32' exists, and 6' is proposed to the sunroom addition.
2. §412.E.1.g – minimum rear yard setback, where 35' is permitted, 25.2' exists, and 13.5' is proposed.

While §400.F.3.c of the LDO permits an addition to violate a setback requirement "so long as the accessory building or addition intrudes no more into the required setback than the principal building", as noted on the survey the existing dwelling is not parallel to the side lot line, with a setback of 6.54' at the front and 6.32' at the rear. If the sunroom is intended to continue along the western plane of the structure, it will be closer to the side lot line than the structure and variance relief is required. We also note that while the bulk table on the plans calculates 19% useable yard area for the rear yard, the rear yard totals 1,856 square feet and the sunroom will consume 280 square feet. While the existing patio is not depicted on the plans or survey, it appears the 20% minimum usable yard requirement is met.

Consideration of Bulk Variances

The Board has the power to grant c(1) or hardship variances "(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, (b) or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon, the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and

undue hardship upon the developer of such property.” The Board may also consider the grant of c(2) variances where the purposes of the New Jersey Municipal Land Use Law would be advanced and the benefits of the deviation would substantially outweigh any detriment. In either case, the Board cannot grant “c” or bulk variances unless the negative criteria are satisfied, or that there is no substantial impact to surrounding properties (first prong) and the grant of the variance will not cause substantial impairment to the intent and purpose of the zone plan (master plan) or zoning ordinance (second prong).

Relative to the first prong of the negative criteria, as noted the single-family lot to the rear does not contain any improvements adjacent to the subject property and a 6’ stockade fence exists. The house on the left side where the addition is proposed has a 6’ vinyl privacy fence along the common property line. As to the second prong of the negative criteria, the Board will need to be satisfied that the intent of the setback standards, mainly the provision of adequate light, air and open space, is not substantially impaired by the grant of relief in this instance.

Plan Comments

1. The bulk table on the architect’s plans should be updated to reflect the figures noted above.
2. The architectural plans should indicate the height of the proposed sunroom addition at the peak of the roof.

We trust the Board will find this information useful in consideration of the matter at hand and reserve the right to provide additional comment based on the applicant’s presentation at the public hearing. Should you wish to discuss this review memo, please feel free to contact our office.

Sincerely,



James T. Kyle, PP/AICP, Board Planner

Cc: Brenda Kraemer, PE (via e-mail)
Ed Schmierer, Esq., Board Attorney (via e-mail)