

Applicant: Praveen Koval 11 Port Mercer Road


Appl. No.: ZB-2/24

REFERRALS

	Date	Comments	Date	Comments	Additional Reports
	Referred	Dated	Referred	Dated	
a. Municipal Engineer	<u>7/8/24</u>	<u>9/11/24</u>			
b. Professional Planner	<u>7/8/24</u>				
c. Traffic Consultant					
d. Construction Official	<u>7/8/24</u>	<u>-</u>			
e. Shade Tree Advisory Comm.					
f. Health Officer					
g. Tax Collector	<u>7/8/24</u>	<u>7/9/24</u>	<u>9/11/24</u>		
h. Public Safety					
i. Environ. Res. Committee					
j. Mercer County Planning Bd.					
k. Ewing-Law. Sewer Auth.					
l. _____ Water Co.					
m. D & R Canal Commission					
n. U.S. Post Office					
o. NJDOT					
p. PSE&G Co.					
q. Board of Education					
r. Historic Preserv. Comm.					
s. NJDEPE/Wetlands					
t. NJDEPE/Stream Encroach.					
u. _____					
v. _____					
w. _____					
x. _____					
y. _____					
z. _____					

Township of Lawrence
ENGINEERING DEPARTMENT

TO: File

FROM:  Brenda Kraemer, Assistant Municipal Engineer

SUBJECT: Bulk Variance Application No. ZB-2/24
Praveen Koval, 11 Port Mercer Road
Tax Map Page 9, Block 5201.01, Lot 9

DATE: September 11, 2024

General:

The applicants have requested a variance to permit construction of an enclosed sunroom and open deck at the rear of their existing dwelling at 11 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. 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 9'. Although the property abuts open space, this land is not available for use by the applicant. The applicant shall provide information regarding future plans for the rear yard.

BK/jrt

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Documents Reviewed:

- Application No. ZB-2/24
- Cover Sheet, dated June 12, 2024
- Architectural Plans, Sheets 1-4, dated June 12, 2024
- Survey, dated December 18, 2014

September 11, 2024

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



**Re: Praveen Koval – ZB-2/24
Block 5201.01, Lot 9 – 11 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. Survey of Property, prepared by Frank R. DeSantis, PLS of Morgan Engineering and Surveying, dated 12/18/14 consisting of 1 sheet.
3. Sunroom Specifications, prepared by TEM, Inc.

Based on the information provided, the applicant seeks bulk variance relief to construct a 16' x 14' sunroom addition to the rear of the existing dwelling. The addition is proposed to be constructed over a new deck structure that will extend the full width of the existing dwelling with an 18'x16' open deck alongside the new sunroom. 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 9, with a street address of 11 Port Mercer Road, is 5,000 square feet in size with 50' of frontage on Port Mercer Road. The site currently contains a two-story single-family dwelling with a stoop and steps at the rear with a third set of stairs on the east side of the home. Property to the immediate east is a park while surrounding properties are all residential dwellings.

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 almost none of the bulk requirements are met, 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	5,000 SF *	No Change
Minimum Lot Frontage	75'	50' *	No Change
Minimum Lot Width	75'	50' *	No Change
Minimum Lot Depth	90'	100'	No Change
Minimum Front Yard	30'	25.4' *	No Change
Minimum Side Yard	10'	Right: 10' Left: 5.4' *	Right: No change Left: 5.4*
Minimum Rear Yard	35'	25' *	9'***
Minimum Useable Yard Area	20% of each yard	Not specified	Not specified
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, lot frontage, lot width, front yard, and side yard that are not impacted by the proposed sunroom addition. The applicant requires the following "new" bulk variance relief:

1. §412.E.1.g – minimum rear yard setback, where 35' is permitted, 25' exists, and 9' is proposed.

While the sunroom addition is proposed to be 5.4' from the western property line in violation of the required 10' side yard, §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". We also note that while the applicant did not provide calculation of "minimum usable yard area" for the rear yard where the addition is proposed, the rear yard totals 1,250 square feet and just under 700 square feet will remain usable, therefore the 20% requirement is exceeded by a comfortable margin.

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, the applicant notes the lot to the rear is a wooded open space lot that cannot be developed. As noted previously, the property to the east is a park and there is a heavily wooded buffer between the two lots, although it is deciduous. The park also sits well below the subject property. The rear yard is entirely enclosed with a 6' solid fence that will obscure view of the deck but not the sunroom. 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. It is our understanding that steps have traditionally been exempted from setback requirements but the applicant will need to confirm the stairs on the eastern side of the deck leading to the back yard can be constructed such that there is enough room for an adequate landing within the property boundary.
2. We note the proposed deck and sunroom will consume much of the rear yard space, leaving little lawn area within the fenced rear yard. The proposal does provide the required "minimum usable yard area" for the rear yard.
3. We assume the gable roof of the sunroom will be tied into the rear of the house, but this should be confirmed. The applicant needs to demonstrate the sunroom will be attached to the principal structure by some means, otherwise the requirements under the ordinance are different.

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)

Township of Lawrence
ENGINEERING DEPARTMENT

TO: Susan McCloskey, Tax Collector
FROM: Jennifer Thomas, Account Clerk *JT*
SUBJECT: Verification of Current Tax and Sewer Payment Status
DATE: July 8, 2024

Please update the status of taxes and sewer payments with regard to the following application:

Application No(s):	ZB-2/24
Application Name:	Mr. Praveen Koval
Street Address:	11 Port Mercer Road
Tax Map Page(s):	9
Block:	5201.01
Lot(s):	9

Thank you for your anticipated assistance and response.

JRT
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*All property taxes and sewer are paid
up to date as of 7/9/24.*

*Sahana S. Liman
Asst. Tax Collector*

LAWRENCE TOWNSHIP TAX COLLECTOR
P.O. Box 6006
2207 Lawrence Road
Lawrenceville, NJ 08648
(609) 844-7041