


Township of Lawrence
ENGINEERING DEPARTMENT

TO: File

FROM:  Brenda Kraemer, Assistant Municipal Engineer

SUBJECT: Bulk Variance Application No. ZB-5/24
Roy & Kathie Baldassari, 7 Bennington Drive
Tax Map Page 55, Block 5503, Lot 5

DATE: February 13, 2025

General:

The applicant has requested a side yard variance for construction of a one-story addition 17' by 45' of the left side of the existing residence at 7 Bennington Drive. The property is located in the R-2A Zone with a 15' side yard requirement per §404.E.1. A side yard of 8' is proposed.

The homeowner has submitted a detailed narrative explaining the requested variance and existing dwelling parameters in support of the selected location.

Detailed Report:

1. We will defer to the Planning Consultant for review of the variance. Additional buffering shall be considered.
2. It appears from the survey submitted, that the neighbor's fence may be on the applicant's property by approximately 2'. It is recommended that the property line be properly located and staked prior to construction. Any property line issues should be addressed by the applicant and the owner.
3. All construction access shall be via the existing driveway. Direct access from Bennington Drive (over the curb) is not permitted.
4. There is a grade differential between this property and the adjacent neighbor. Cross lot drainage is not permitted. Side yard grading shall direct runoff along the property line. Roof drainage pipes shall discharge to the front or rear yard.

BK/jrl

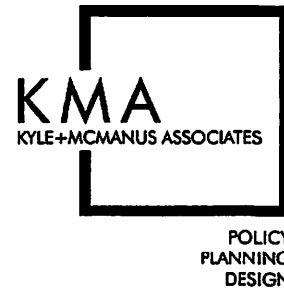
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Documents Reviewed:

- Application No. ZB-5/24
- Variance Plan
- Property Survey, dated August 3, 1992
- Vernon Model Floor Plan

March 11, 2025

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



**Re: Roy and Kathie Baldassari – ZB-5/24
Block 5503, Lot 5 – 7 Bennington Drive
Bulk Variance Relief
R-2A – Residential 2A**

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. Various plans depicting the proposed addition.
3. Property Survey dated August 3, 1992.
4. Homeowner correspondence detailing the reason for the request.

Based on the information provided, the applicant seeks bulk variance relief to construct a 17' wide by 45' long one-story addition on the south side of the existing dwelling. The addition would contain a bedroom and bathroom.

The subject property, known as Block 5503, Lot 5, with a street address of 7 Bennington Drive, is 20,003 square feet in size with 114.3' of frontage on Bennington Drive. The site currently contains a two-story single-family dwelling, a shed and an inground pool with a patio and deck at the rear of the dwelling. It appears a 10'x18' mudroom was constructed at the rear of the structure in 2018. Surrounding uses are all single-family detached homes.

Zoning

The subject property is located in the R-2A Residential 2A District, and the existing single-family use is permitted. The table on the following page lists the bulk requirements for the R-2A District and compares them to the applicant's proposal.

	Permitted	Existing	Proposed
Minimum Lot Size	22,500 SF	20,003 s.f.*	No Change
Minimum Lot Frontage	100'	114.3'	No Change
Minimum Front Yard	40'	50.2'	No Change
Minimum Side Yard	15'	Right: 32.4' Left: 26'	Right: No change Left: 9'**
Minimum Rear Yard	40'	75'	No change
Maximum Impervious Surface Ratio per lot	0.35	0.289	0.325
Minimum Useable Yard Area	20% of each yard	>20%	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, the lot size is deficient for the zone district, but this is a legally existing nonconforming condition. The applicant requires the following "new" bulk variance relief:

1. §404.E.1.d – minimum side yard setback, where 15' is permitted and 9' is proposed to the south and the new addition.

We note that the existing and proposed property dimensions data sheet provided by the applicant indicates an existing side yard of 25' to the left side where the survey appears to scale to at least 26'. With the addition proposed at 17' wide, this would result in a side yard setback of 9'. While the applicant did not provide calculations for minimum useable yard area, the 20% minimum for each yard appears to be 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, the applicant notes in their narrative that the addition is proposed on the side of the structure that abuts the neighbor's garage and driveway. The dwelling on Lot 6 appears to be more than 30' from the common property line and there is currently no landscape screening between the two properties. Given the overall length of the addition, some consideration should be given to new landscaping to address potential visual impacts. As the proposed addition is only 1 story in height, this should help avoid the addition looming over the neighbor's property given that only a 9' setback is proposed.

Relative to the second prong of the negative criteria, the Board will need to be satisfied that the reduced side yard setback will not substantially impair the intent of the standard, mainly the provision of adequate light, air and open space.

Plan Comments

1. The applicant should provide details of how the internal space will be configured and confirm that separate kitchen facilities are not proposed.
2. The applicant should discuss efforts to configure an addition elsewhere on the property. While rationale is presented in the narrative, testimony should be provided on the record, as we assume a c(1) hardship argument will be the basis for the positive criteria for the bulk variance.

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,

A handwritten signature in black ink, appearing to read 'J. Kyle', with a stylized flourish at the end.

James T. Kyle, PP/AICP, Board Planner

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