

Applicant Jyeshtha Jeyarathi & Saratha Gomma


Appl. No. ZB-2/23

REFERRALS

	Date		Date		Additional Reports
	Referred	Dated	Referred	Dated	
a. Municipal Engineer	<u>3.14.23</u>	<u>6/9/23</u>			
b. Professional Planner	<u>3.14.23</u>	<u>7/12/23</u>			
c. Traffic Consultant					
d. Construction Official					
e. Shade Tree Advisory Comm.					
f. Health Officer					
g. Tax Collector	<u>4.4.23</u>	<u>4.4.23</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-2/23
Sreedhar Tatavarthi and Saradha Bommu, 5 Port Mercer Road
Tax Map Page 52.05, Block 5201.1 , Lot 6

DATE: June 9, 2023

General:

The applicants have requested a variance to permit construction of an enclosed sunroom at the rear of their existing dwelling at 5 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 a conforming deck or patio. 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/sjs

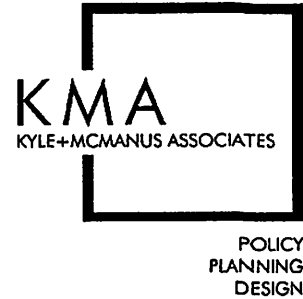
g:engineering/tatavarthi & bommu/review #1.doc

Documents Reviewed:

- Application No. ZB-2/23
- Final Survey, dated April 27, 2001
- Plan of Survey showing the Proposed Sunroom, dated April 7, 2005
- Sunroom Specifications (seven sheets), undated

July 12, 2023

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



**Re: Sreedhar Tatavarthi and Saradha Bommu – ZB-2/23
Block 5201.01, Lot 6 – 5 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. Final Survey, Yorkshire Village, prepared by Robert A Ryan of Taylor Wiseman Taylor, dated January 30, 1998 last revised April 27 2001.
3. Plan of Survey for Sreedhar Tatvarthi & Saradha Bommu, prepared by Max V Raffaele of A-1 Land Surveys Inc. dated April 7, 2005.
4. Sunroom Specifications, prepared by NY NJ Sunrooms & Additions.

Based on the information provided, the applicant seeks bulk variance relief to construct a 14' x 20' sunroom addition to the rear of the existing dwelling. The addition is proposed to be constructed on top of the existing 10' x 25' deck, which will be extended by 4' to accommodate the new structure. This includes the installation of three new piers, 6"x6" posts and a 2"x12" beam spanning the deck. 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 32.02, with a street address of 5 Port Mercer Road, is 5,300 square feet in size with 41.9' of frontage on Port Mercer Road. The lot is 100' deep and is wider at the rear property line, which measures 55.77'. The site currently contains a two-story single-family dwelling with an attached 10' x 25' deck at the rear. A substantial wooded open space area abuts the rear of the property to the north.

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	5,300.12 SF *	No Change
Minimum Lot Frontage	75’	41.9’ *	No Change
Minimum Lot Width	75’	42.83’ *	No Change
Minimum Lot Depth	90’	100’	No Change
Minimum Front Yard	30’	25.36’ *	No Change
Minimum Side Yard	10’	Right: 10.62’ Left: 6.73’ *	No Change
Minimum Rear Yard	35’	25.47’ **	11.47’
Minimum Useable Yard Area	20% of each yard	Not specified	Not specified
Maximum Building Height	35’ / 2.5 stories	30’	30’

* 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 proposed to be changed. The applicant requires the following bulk variance relief:

1. §412.E.1.g – minimum rear yard setback, where 35’ is permitted, 25.47’ exists, and 11.47’ is proposed.

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 sunroom proposed is glass and is therefore largely transparent. They further note the lot to the rear is a wooded open space lot that will not have any structures on it in the future. While the rear yard is not fenced,

evergreen trees were installed along the western property boundary and a 6' solid fence encloses the rear yard of the lot to the east. 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. Clarification should be provided on access from the deck and sunroom to the back yard. The plan/survey shows the existing steps on the west side of the deck to remain, but the sunroom plans appear to show steps on the east side.
2. We assume the gable roof of the sunroom will be tied into the existing roof at 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,

A handwritten signature in black ink, appearing to read 'J. Kyle', written in a cursive style.

James T. Kyle, PP/AICP, Board Planner

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