




## Memorandum

DATE: March 19, 2020

TO: Members of the Plainfield Zoning Board of Adjustment

FROM: Malvika Apte, PP, AICP   
Zoning Board Planner

CC: Rosalind Miller, Planning/Zoning Board Secretary  
Peter Vignuolo, Esq.  
Drew M. Di Sessa, PE, PP, CME  
Valerie Jackson, Director, Department of Economic Development  
Dennis Ryan, Applicant  
Thomas Quinn, P.E., EKA Associates, Applicant's Engineer

RE: Planning Review # 1  
Application # ZBA 2019-05  
Dennis Ryan, Block 823, Lot 16  
1015 Prospect Ave  
Zone: R-2 Low Density Residential

FILE NO.: HPF00062.20

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As per your request our office has reviewed the following documents in connection with the above mentioned application:

- Copy of the Deed for site 1015 Prospect Ave;
- One (1) sheet titled "Topographic Survey for Tax Lot 16, Block 823," prepared by EKA Associates, P.A., dated November 18, 2018;
- Two (2) sheets titled "Preliminary and Final Site Plan for Tax Lot 16 Block 823," prepared by EKA Associates, P.A., dated January 16, 2019.

We offer the following comments for Board's consideration:

### 1. Summary of Application/Proposal

The applicant is seeking a variance approval for the construction of a detached garage and widening the driveway on an existing lot that is developed with a single family use. The proposal includes removal of the existing garage and shed and replacing it with a larger shed of approximately 840 square feet and 28 feet x 30 feet in size.

### 2. Completeness

On March 22, 2019, the application was filed with the City of Plainfield Planning Division. The application was deemed incomplete April 16, 2019 due to missing items. The status of the application



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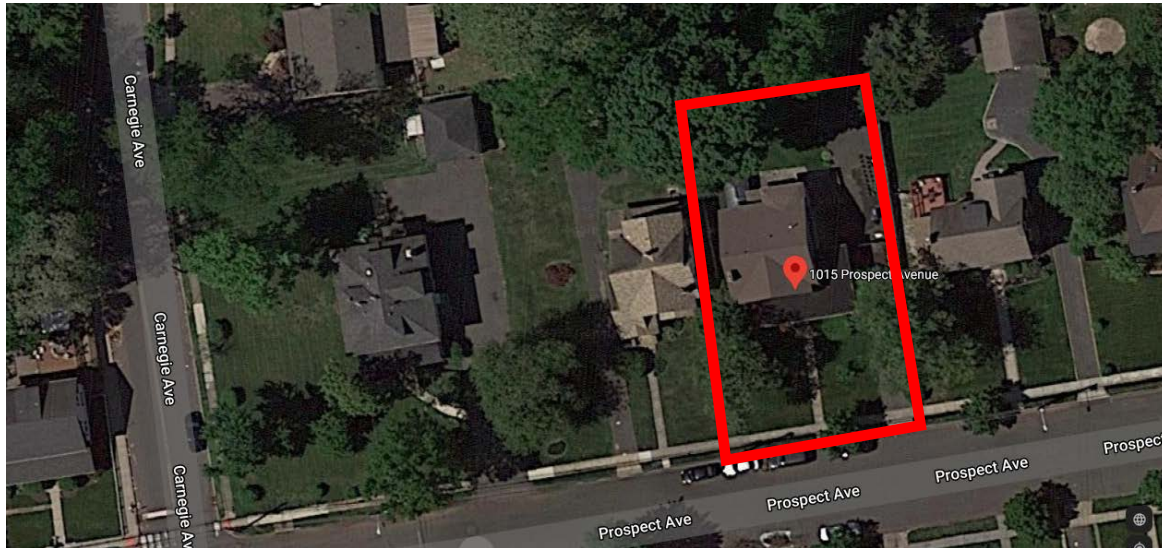
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was followed up by the Planning Division on December 10, 2019. Applicant resubmitted the items January 29, 2020 and the application was deemed capable of being deemed complete February 13, 2020.

The applicant is not seeking any waiver from submittal items.

### 3. Subject Site and Surrounding Land Uses

The subject site, identified as Block 823, Lot 16 is located on Prospect Ave. The site is approximately 0.25 acres in size with 73 feet of frontage on Prospect Ave. The site is 150 feet in depth. The adjacent sites are developed with two-and-a-half story single-family residential dwelling units. Front portion of the property is located in the Special Flood Hazard Area. The proposed garage is not located in the Flood Hazard Area. We defer to Board Engineer to clarify if City Flood Plain Manager permit is required.



Aerial View of 1015 Prospect Ave, Source: Google Maps

### 4. Zoning and Bulk Review

- a. Use: The subject site is located in R2- Low Density Residential Zone District, single family zone district. The existing single family use of the property is permitted.
- b. Bulk Regulations: The following table notes the bulk regulations for each zone and provides the proposed developments compliance/non-compliance with the regulations.



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<b>Bulk Regulations (R2 Low Density Residential Zone District)</b>			
	<b>Requirement</b>	<b>Existing</b>	<b>Proposed</b>
<b>Principle Structure</b>			
Minimum Lot Area	20,000 sq. ft.	10,950 sq. ft. <b>(e)</b>	No change
Minimum Lot Width	125 feet	73 feet <b>(e)</b>	No change
Minimum Lot Frontage	125 feet	73 feet <b>(e)</b>	No change
Minimum Lot Depth	150 feet	150 feet	No change
Minimum Front Yard Setback	30 feet	38.10 feet <b>(e)</b>	No change
Minimum Rear Yard Setback	40 feet	60.25 feet	No change
Minimum Side Yard Setback			
One	9.36 feet	9.36 feet	No change
both	19.61 feet	19.61 feet	
Minimum Number of Stories	N/A	N/A	No change
Maximum Number of Stories	3 stories	2.5 stories	No change
Maximum Building Height	35 feet	TBP	No change
Maximum Bldg Coverage	20%	23% <b>(V)</b>	25% <b>(V)</b>
Maximum Total Lot Coverage	40%	50.9% <b>(V)</b>	49.6% <b>(V)</b>
Minimum Improvable Area	5,300 sq. ft.	2,640 sq. ft. <b>(e)</b>	No change
Minimum Improvable Area-Diameter of Circle	51 feet	33 feet <b>(e)</b>	No change
<b>Accessory Structure</b>			
Minimum Side Yard Setback (garage)	5 feet	3.38 feet <b>(e)</b>	5
Minimum Rear Yard Setback (garage)	5 feet	3.32 feet <b>(e)</b>	5
Maximum Building Height	1 sty / 15 feet	1 sty / not provided	1 sty / 17.52 feet <b>(V)</b>
Maximum Coverage	35%	32.5%	44.2% <b>(V)</b>
Maximum number of structures	3	2	1
<i>(V) Variance</i>			
<i>(e) Existing Non-conforming Condition</i>			

## 5. Planning Comments

- a. § 17:9-34 A: A garage should be fully enclosed detached accessory structure, used primarily for storage of no more than two (2) motor vehicles owned or used by the occupant of the principal structure. Applicant should confirm that no more than two vehicles are to be stored in the proposed structure considering the width of the proposed garage is 22 feet.
- b. § 17:9-34 B: A garage may not contain more than one (1) commercial vehicles with a rated capacity of 8,500 pounds gross vehicle weight. Applicant should clarify if any commercial vehicle is proposed on site.
- c. § 17:9-34 C: A one-car parking garage, not to exceed 12 x 25 feet, or 300 square feet, for a single family unit. A two car garage of 28 feet x 30 feet is proposed. **A variance is required.**



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- d. § 17:9-34 D: A two-car parking garage, may be constructed on single family dwelling lot provided it does not exceed the above maximum garage size of 550 square feet. The proposed garage is 840 square feet. **A variance is required.**
- e. § 17:9-34 G: Garage shall be set back a minimum of 5 feet to a rear and side yard property line. The proposed garage is setback 5 feet from property line. This complies.
- f. § 17:9-42 A: No residential driveway shall be located closer than 2 feet from the property. The proposed driveway is setback 4 feet from property line. This complies.
- g. § 17:9-42 G: Driveways for a two car garage shall be a maximum of 20 feet. The proposed driveway is 22 feet. **A variance is required.**
- h. § 17:9-42 I: All driveways and parking areas shall be constructed of a durable and dustless asphalt or cement surface material except for one or two family residential dwelling which may be decorative stone or pavers. The proposed driveway is bituminous driveway pavement.
- i. Applicant should discuss the proposed elevation of the garage and its compliance with the existing single family structure.
- j. Applicant should clarify the notes "part of F.M. Lot 27," "part of F.M. Lot 28," and "Perfected map of Central Park" on the survey. This is not noted in the original survey prepared by William Held Associates, Inc. dated December 3, 2014.

## 6. Statutory Criteria

**Bulk Variances:** As noted above, the proposed garage requires seven (7) bulk variances. These are commonly known as C variances. The Board has the power to grant a c (1) hardship variance or a c (2) benefits vs. detriments variance.

An applicant requesting a c(1) variance must show that (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property or (b) 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 structure lawfully existing thereon, the strict application of any would result in particular and exceptional practical difficulties or undue hardship upon the developer of such property.

An applicant requesting a c (2) variance must prove that granting of the variance will advance the intent and purposes of the Municipal Land Use Law and that benefits of granting of the variance will substantially outweigh the detriments.

With both, negative criteria must be addressed. No variance may be granted without showing that such a variance can be granted without substantial detriment to public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

If you should have any questions with regard to the above matter, please do not hesitate to call.