

**RESOLUTION #2016-007**

**RESOLUTION OF THE BOARD OF ADJUSTMENT  
THE BOROUGH OF HAWTHORNE**

**In the matter of:**

**Robert Crilli (“Applicant”)  
179 Buena Vista Avenue  
Lot 15, Block 138  
Hawthorne, New Jersey 07506**

**WHEREAS**, The Applicant made application to the Borough of Hawthorne Board of Adjustment for bulk variance approval in connection with the premises known as Lot 15, Block 138, commonly referred to as 179 Buena Vista Avenue (the “Property”), located in the R-1-Single Family Residential Zone; and

**WHEREAS**, as a result of the Application, Applicant seeks the following variances:

- (i) Side Yard Setback: Required side yard setback is 15 feet. Applicant proposes a side yard setback of 5 feet;
- (ii) Combined Side Yard: 15 feet and 40 feet are required. 5.3 feet and 18 feet are proposed;
- (iii) Rear yard Setback: 50 feet is required. 42 feet is proposed.

**WHEREAS**, the Board reviewed this matter at its public hearing on April 18, 2016; and

**WHEREAS**, after due consideration and deliberation at the aforementioned hearing, the Board did vote upon the Application and instruct the Board Attorney to prepare a Resolution memorializing the vote taken; and

**WHEREAS**, the Zoning Board of Adjustment of the Borough of Hawthorne makes the following findings of fact, based upon the evidence presented at its public hearing:

1. The Applicant is the owner of the Property. The Property is located in the R-1 Single Family Residential District which is designed for single family residential use.

2. The Applicant has submitted satisfactory evidence of having given statutory notice pursuant to N.J.S.A. 40:55D-12.

3. The Applicant submitted the requisite Application, dated March 28, 2016, along with marked up survey, undated and a floor plan, undated.

4. Applicant proposes to install a wooden deck at the rear of the house located over an existing patio.

5. Relief exists pursuant to N.J.S.A. 40:55D-70(c)(1) which requires that the Applicant, in order to demonstrate hardship, must show that, due to an existing condition relating to a specific piece of property or the structures lawfully existing thereon, the strict application of the zoning ordinance in question would result in undue hardship upon the developer warranting a variance from the regulation in question. This is known as a hardship or “C1” variance.

6. In this instance, the Applicant has demonstrated that due to the location of the existing structure (home), the strict application of the particular regulations of the Borough of Hawthorne Zoning Ordinance would be an undue hardship upon the Applicant. The Board finds that any perceived negative impact created by the setback variance is de minimus. The Board further finds that such setback variances do not pose a substantial detriment to the public good and do not substantially impair the purpose and intent of the Borough of Hawthorne Zone Code or Zone Plan.

7. In reviewing the Application, evidence and testimony, the Board finds that the setback variances requested by the Applicant can be granted in this instance. The Applicant has demonstrated that the proposed deck will be consistent with the existing character of the

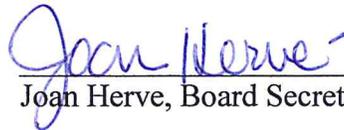
neighborhood and will promote the purposes of zoning set forth at N.J.S.A. 40:55D-2. The Board in this instance finds that the benefits to be derived from the granting of the variances requested outweigh any possible detriment resulting from the approval of the variances.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Borough of Hawthorne that the Application of Robert Crilli with respect to the Property, requesting variance relief as set forth above, be and is APPROVED for the requested side, aggregate side yard and rear yard setback variances enumerated above, subject to the terms and conditions hereinafter set forth:

1. The foregoing findings of fact and conclusions of law are incorporated herein as if set forth at length.
2. The Applicant shall obtain approval from all other governmental agencies having jurisdiction over the subject Application and development, if any.
3. The Applicant shall pay all fees due and owing to the Borough of Hawthorne, including the posting of any application fees, review fees, inspection fees and/or escrow fees which may be due, prior to the issuance of any building permits.
4. The Applicant shall comply with all applicable rules, regulations, ordinances and statutes of the Borough of Hawthorne, County of Passaic and State of New Jersey with regard to the application.
5. The approved deck shall not encroach any further than the existing home's side yard setback.

The undersigned certifies that the within Resolution was adopted by the Board and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 16, 2016.

  
Ray Hallock, Chairman

  
Joan Herve, Board Secretary

OFFERED BY: Chamberlin  
SECONDED BY: Gallagher  
VOTE: Ayes: 5  
Nays: 0  
abstained - 2