

RESOLUTION #2022-005

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

In the matter of:

**P. Mariella and A. Mariella (“Applicant”)
23 Sicomac Road
Lot 4, Block 297.01
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 4, Block 297.01, commonly referred to as 23 Sicomac Road (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) Minimum front yard Setback: Required front yard setback is 50 feet. Applicant proposes a front yard setback of 28.3 feet (with an existing, nonconforming setback of 33.6 feet);
- (ii) Minimum Front Yard Setback from centerline of street: Minimum 75 feet is required. Applicant proposes 53.5 feet (with an existing, nonconforming setback of 58.5 feet);
- (iii) Maximum dimensions for entry enclosure is 6ft x 8ft where 6’9” x 17’8” is proposed ; and

WHEREAS, the Board reviewed this matter at its public hearing on May 16, 2022; and

WHEREAS, the Applicant submitted an application for variance dated April 29, 2022, along with plans prepared by Edward Easse, AIA dated March 22, 2022 (4 sheets); 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. Applicant proposes a 1,284.4 square foot second floor addition to the home (with cantilevers in the front and back). It is noted the property is extremely undersized and narrow, and the house has numerous existing zoning conformities.
4. 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.
5. In this instance, the Applicant has demonstrated that due to the location of the existing structure along with the extremely undersized and narrow lot, the strict application of the particular regulations of the Borough of Hawthorne Zoning Ordinance would be an undue hardship upon the Applicant. The Board further finds that the requested variances do not pose a substantial detriment to the public good and does not substantially impair the purpose and intent of the Borough of Hawthorne Zone Code or Zone Plan.

6. In reviewing the Application, evidence and testimony from the Applicant and the public, the Board finds that the variances requested by the Applicant can be granted in this instance. The Applicant has demonstrated that the proposed structure 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 P. Mariella and A. Mariella with respect to the Property, requesting variance relief as set forth above, be and is APPROVED for the requested side yard and front yard setback variance 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.

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 June 20, 2022.


 John F. Gallagher, Chairman


 Joan Herve, Board Secretary

	Motion	Second	Aye	Nay	Abstain	Absent
Chairman Gallagher			X			
Vice Chairman Schroter	X		X			
Board Member Cuttitta			X			
Board Member DeMarco			X			
Board Member Hatch			X			
Board Member Lind						
Board Member Ramirez						
Board Member Totaro			X			
Board Member Wenzke		X	X			