

**RESOLUTION #2016-013**

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

**In the matter of:**

**Ross K. Morse and Rosanna Verrone-Morse (“Applicant”)  
33 Beverly Road  
Lot 15, Block 276.01  
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 15, Block 276.01, commonly referred to as 33 Beverly Road (the “Property”), located in the R-1-Single Family Residential Zone; and

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

(i) Applicant seeks a variance from Section 540-10A(1) of the Borough of Hawthorne Code to permit part of the basement of their single family home to be used for living purposes.

**WHEREAS**, the Board reviewed this matter at its public hearing on September 19, 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 August 3, 2016, along with a plan prepared by Todd Lent Architects dated July 15, 2016 consisting of two (2) sheets.

4. Applicant proposes a modification to the interior of the basement of the existing home on the Property to use a portion of the basement for occupancy with a kitchen, living room, bathroom and two bedrooms. Absolutely no changes to the footprint of the structure are proposed.

5. Applicant testified that the additional rooms downstairs are needed for their parents, who are in ill health, to move in with the Applicant. Applicant agreed that this construction of a portion of the basement would not result in a 2-family home, and agreed to include a deed restriction to that effect as a condition of approval.

6. Relief exists pursuant to N.J.S.A. 40:55D-70(c)(2) which requires that where in an application or appeal the purposes of the Municipal Land Use Law at N.J.S.A 40:55D-2 would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would outweigh any detriment, an applicant may be granted a variance.

7. The Board finds that the application, as presented, advances the intent and purpose of the act at N.J.S.A. 40:55D-2(a) by guiding the appropriate use of land in a manner which will promote the public health safety, morals and general welfare.

8. The Board further finds that this proposal does not create a two family dwelling and does 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.

9. In reviewing the Application, evidence and testimony of the Applicant and the public, the Board finds that the variance requested by the Applicant can be granted in this instance. The Applicant has demonstrated that the existing structure will continue to 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 variance requested outweigh any possible detriment resulting from the approval of the variance.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Borough of Hawthorne that the Application of Ross K. Morse and Rosanna Verrone-Morse with respect to the Property, requesting variance relief as set forth above, be and is APPROVED for the requested 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.

5. Any improvement(s) to be constructed as a result of this approval shall be constructed and operated in full compliance with the Code of the borough of Hawthorne, the Revised Statutes of the State of New Jersey and any other applicable county and/or federal law.

6. The existing home on the Property shall remain a single family residence and never be converted to a two family. An appropriate Deed Restriction will be prepared in recordable form and same will be subject to review and approval by the Zoning Board Attorney and shall be recorded in the Passaic County Clerk's office at Applicant's expense.

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 November 21, 2016.

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Raymond Hallock, Chairman

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Joan Herve, Board Secretary

OFFERED BY:  
SECONDED BY:  
VOTE: Ayes:  
Nays: