

IN THE MATTER OF THE APPLICATION) ZONING BOARD OF ADJUSTMENT
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)
 OF) Borough of Hawthorne
)
) RESOLUTION MEMORIALIZING
Edward and Jo Anne Green) PREVIOUS ACTION

WHEREAS, Edward and JoAnne Green have applied to the Board of Adjustment of the Borough of Hawthorne for approval of an application to erect an above ground swimming pool in the back yard of their home at 104 Sixth Avenue, Lot 7, Block 172 in the R-2 Residence zone requiring side and rear yard variances and relief from the maximum permitted distance from a principal building, and

WHEREAS, public hearings on the application were held by the Board on February 28 and March 21, 2011, and

WHEREAS, this Board of Adjustment of the Borough of Hawthorne, at its public meeting of March 21, 2011 did make the following findings of fact, determinations and decision:

FACTS:

1. The required notice was given and published and proof thereof was filed with the Board.
2. The premises in question are owned and occupied by the Applicants and consist of a single family home at 104 Sixth Avenue in the R-2 Residence Zone.
3. The request is for approval of a rear yard swimming pool requiring single, 5 feet provided, 10 feet required, rear yard 6 feet provided, 10 feet required, and minimum distance from a principal building, 6 feet provided, 10 feet required.
4. After discussion with the applicants and concern expressed over the size of the proposed pool, the applicants amended their application to request a smaller pool thereby eliminating the side yard variance entirely and revising the request from rear yard, 9 feet provided, 10 feet required, and minimum distance from a principal building, (in this case an open air rear yard deck), 2 ½ feet provided, 10 feet required.
5. The proposal, if granted, would be consistent with the development of other homes in the neighborhood.
6. No member of the public spoke on the matter.

DETERMINATIONS:

1. The location of the preexisting building and rear yard deck on the lot create a hardship for the applicants who have cooperated to reduce the size of their pool in accordance with the concerns expressed by the Board.
2. This Board determines that, as in the past, where the location of the existing building or buildings creates a condition impeding future development without violation

of a later adopted ordinance, the Board will look favorably on an application which is consistent with the neighborhood development.

3. The proposed improvements would conform to the existing neighborhood development and, accordingly, confer a benefit substantially greater than the minor detriments of the plan.

4. For the foregoing reasons, this Board finds there would be no substantial impairment of the intent and purpose of the Zone plan and ordinance if the application were to be granted.

NOW THEREFORE, BE IT RESOLVED that the application of **Edward and JoAnne Green** to erect an above ground swimming pool in the back yard of their home at 104 Sixth Avenue, Lot 7, Block 172 in the R-2 Residence zone requiring a rear yard variance and relief from the maximum permitted distance from a principal building, be and the same is hereby **GRANTED** and this Board does hereby memorialize and confirm the action taken on March 21, 2011 in the above matter. The foregoing approval is subject to concurrent approvals of any other board or agency with appropriate jurisdiction, as well as compliance with the Building Officials Code Annotated and all other ordinances of the Borough of Hawthorne.

The undersigned, Raymond G. Hallock, Chairman, does hereby certify that the above is a true copy of a memorializing resolution adopted by the Board of Adjustment of the Borough of Hawthorne on April 18, 2011.

IN THE MATTER OF THE APPLICATION)	BOARD OF ADJUSTMENT
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OF	Borough of Hawthorne
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)	RESOLUTION MEMORIALIZING
Robert and Veronica Thiessen)	PREVIOUS ACTION

WHEREAS, Robert and Veronica Thiessen have applied to the Board of Adjustment of the Borough of Hawthorne for approval of an application to erect a roofed-over, rear yard deck at 193 N. Ethel Avenue, Lot 5, Block 243 in the R-1 Residence District requiring side yard and combined side yard variances, and

WHEREAS, a public hearing on the application was held by the Board on November 26, and

WHEREAS, this Board of Adjustment of the Borough of Hawthorne, at its public meeting of November 26, 2007 did make the following findings of fact, determinations and decision:

FACTS:

1. The required notice was given and published and proof thereof was filed with the Board.
2. The premises in question are owned and occupied by the Applicants and consist of a single family home at 193 N. Ethel Avenue in the R-1 Residence Zone.
3. The request is for approval of a 20' x 20' rear yard, roof-over deck with ramp for handicap access requiring single, 4 feet provided, 15 feet required, and combined, 33 feet provided, 40 feet required, side yard variances. If granted, these deficiencies would be less than exist with the present location of the house on the lot.
4. The proposal, if granted, would be consistent with other homes in the immediate neighborhood.
5. No member of the public spoke on the matter.

DETERMINATIONS:

1. The location of the preexisting building on the lot creates a hardship for the applicants.
2. This Board determines that, as in the past, where the location of the existing building or buildings has created a violation of a later adopted ordinance, the Board will look favorably on an application for development which is consistent with the neighborhood development.
3. The proposed improvements would conform to the existing neighborhood development and, accordingly, confer a benefit substantially greater than the minor detriments of the plan.
4. For the foregoing reasons, this Board finds there would be no substantial

impairment of the intent and purpose of the Zone plan and ordinance if the application were to be granted.

NOW THEREFORE, BE IT RESOLVED that the application of **Robert and Veronica Thiessen** to erect a roofed-over, rear yard deck at 193 N. Ethel Avenue, Lot 5, Block 243 in the R-1 Residence District requiring side yard and combined side yard variances, be and the same is hereby **GRANTED** and this Board does hereby memorialize and confirm the action taken on November 26, 2007 in the above matter. The foregoing approval is subject to concurrent approvals of any other board or agency with appropriate jurisdiction, as well as compliance with the Building Officials Code Annotated and all other ordinances of the Borough of Hawthorne.

The undersigned, Raymond G. Hallock, Chairman, does hereby certify that the above is a true copy of a memorializing resolution adopted by the Board of Adjustment of the Borough of Hawthorne on December 17, 2007.