

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

**In the matter of:**

**Johanna Simone (the “Applicant”)  
97 Hawthorne Avenue  
Lot 6.01, Block 28.02 (the “Premises”)  
Hawthorne, New Jersey**

WHEREAS, Applicant, through her attorney, William T. Smith, appeared before the Board on July 21, 2014 and November 24, 2014; and

WHEREAS, Mr. Smith advised the Board that Applicant had received minor subdivision and variance approval in 1992; and

WHEREAS, as a result of such approval, the Premises was subdivided from what is now identified as Lot 6, Block, 28.02 (“Lot 6); and

WHEREAS, while the minor subdivision was perfected, thus creating the two separate parcels, no structure has yet been built on the Premises; and

WHEREAS, the 1992 approval included a variance to allow a side yard setback (corner lot) of 10 feet where 20 feet is required. No other variances were required or enumerated; and

WHEREAS, the prior approval was conditioned on the residence located on Lot 6 having no more intense than a two family home use; and

WHEREAS, the side yard setback variance approval lapsed several years ago since Applicant did not build on the Premises within one year of the prior Board approval as required by Hawthorne Zoning Code; and

WHEREAS, the Board has confirmed, through the Borough attorney and Applicant's attorney that the existing home on Lot 6 is a two family home and that an illegal third dwelling unit has been and will remain discontinued.

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. All of the statements set forth in the "Whereas" clause above and specifically are incorporated herein by reference as if set forth at length;

2. The purpose for Applicant's request is based on the fact that no home was built upon the Premises within a year of the original 1992 approval;

3. The Board, after diligent inquiry, with the assistance of the Borough attorney and as stipulated by the Applicant's attorney (both vocal and written stipulation) confirms the home on Lot 6 is now a conforming two family home use and that such use will not be expanded in the future and that it may be inspected by Borough officials on an annual basis;

4. The Board further finds and concludes that the request for variance approval is the same now as it was in 1992, and specifically determine that there is no appreciable change in circumstances, and the original approval to construct a single family dwelling on the Premises is consistent with the Plan identified as "Plot Plan Prepared for Johanna Simone", prepared by Azzolina and Feury Engineering Inc. and dated July 3, 2014 (hereinafter, the "Plans").

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Hawthorne that the application of Johanna Simone to reinstate the prior approval of this Board, be and is hereby approved subject to the following terms and conditions hereinafter set forth:

1. Lot 6 will remain a two family home and the Premises will be a one family home and may be inspected by Borough officials on an annual basis;

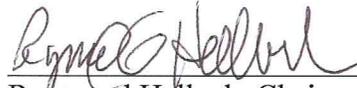
2. The Applicant shall obtain approval from all other governmental agencies having jurisdiction over the subject Application and development, if any.

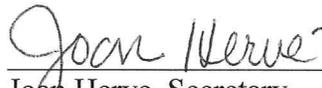
3. The Applicant shall pay all fees due and owing to the Borough of Hawthorne, including the posting of any application fees, review fees, inspection fees and/or escrow fees which may be due, prior to the issuance of any building permits.

4. The Applicant shall comply with all applicable rules, regulations, ordinances and statutes of the Borough of Hawthorne, County of Bergen and State of New Jersey with regard to the application.

5. All work to be done shall be done in accordance with the Plans.

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 December 15, 2014.

  
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Raymond Hallock, Chairman

  
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Joan Herve, Secretary

OFFERED BY: Gallagher  
SECONDED BY: Schroter  
VOTE: Ayes 6  
Nays