

**BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY**

**APPLICATION FOR RESIDENTIAL VARIANCE FROM
LOT AREA AND SETBACK REQUIREMENTS**

Date May 4, 2022

**NOTE: APPLICATION SETS MUST BE COLLATED AND
SUBMITTED IN PACKET FORM FOR PROCESSESSING.**

Date Received _____
Fee Submitted _____
Jurisdiction Date _____
Complete Date _____
Date by _____
Board Action _____

FOR OFFICIAL USE ONLY

The undersigned, as Applicant/Owner of the subject property listed below hereby makes application to the Borough of Oakland Board of Adjustment for relief from residential zone requirements relating to lot area or setback requirements of the Borough Zoning Ordinance pursuant to N.J.S.A. 40:55D-70 C (1) or C (2) and applicable laws of the Borough of Oakland in order to: (briefly describe proposal)

Construction of deck

1. APPLICANT INFORMATION

- a. Name: JTC Realty LLC
- b. Address: 25 Hillside Terrace, Montvale, NJ
- c. Telephone (include fax number if desired): _____
- d. Applicant is a: (check applicable status)
- ☒ Corporation ☐ Partnership ☐ Individual(s)
- e. If applicant is a corporation or a partnership, please list the names and addresses of persons having a 10 % interest or more in the corporation or partnership on a separate sheet and attach to this application.
- f. Relationship of applicant to property (check applicable status):
- ☒ Owner ☐ Purchaser under contract ☐ Lessee
- ☐ Other (please specify): _____
- g. If applicant is represented by an attorney:
- Name: Bruce E. Whitaker, Esq, McDonnell & Whitaker, LLC
- Address: 245 E. Main Street, PO Box 379, Ramsey, NJ 07446
- Telephone: 201-934-0110 Fax: 201-934-0448
- Email: mcwhitlaw@optonline.net

3. NATURE OF APPLICATION: This is an application for a variance from the strict application of the Borough of Oakland Zoning Ordinance for a use permitted in the Zone in which the property is located. The proposed construction is contrary to the following provisions of the Zoning Code of the Borough (the Zoning Officer should be consulted to determine the appropriate sections) You may attach additional sheets if needed.

Relief Requested:

<u>Section</u>	<u>Required</u>	<u>Proposed</u>
<u>See Zoning Denial Attached</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. REASONS FOR REQUEST IN SUPPORT OF THIS APPLICATION

This variance is sought because of (check applicable):

- (a) ☒ Exceptional narrowness of property. (b) ☐ Exceptional shallowness of property.
(c) ☐ Shape of property. (d) ☐ Exceptional topographic or physical features of the site.
(e) ☐ Other extraordinary or exceptional situation.

Describe property features or situation if items (d) or (e) are checked. You may attach additional information if desired to support your application.

5. OTHER REQUIRED INFORMATION

- Attach certification of payment of taxes from Tax Collector.
- Attach completed checklist.
- Attach current survey showing existing & proposed improvements and septic system if applicable.

ADDENDUM TO APPLICATION

JTC Realty LLC (hereinafter referred to as the "Applicant") is the owner of 13 Manito Avenue, Oakland, New Jersey which is shown on the Tax Map of the Borough of Oakland as Block 5202 Lot 35 (hereinafter referred to as the "Property"). The Property is in the RA-3 Zone.

There is a single family dwelling unit on the Property. The Property has the following nonconformities:

- A. Lot area of 14,400 square feet where 15,000 square feet is required;
- B. Lot width of 60 feet where 100 feet is required;
- C. Front yard setback of 35.2 feet where 40 feet is required;
- D. Side yard setbacks of 7.8 feet and 8.8 feet where 15 feet is required.

The Applicant is proposing to construct a deck off the rear of the Property to access a sliding glass door into the dwelling unit that has been renovated. The deck is a modest deck that is open. The deck will follow the sideline setback that has already been established for the home at 7.8 feet. The Applicant seeks a variance based upon the fact that the deck does not have a side yard setback of 10 feet but rather has the same side yard setback as the existing home. The Applicant stipulates that the deck shall never been enclosed but will remain an open deck.

It is submitted that adherence to the Zoning Code in this instance would constitute a hardship for the Applicant and variance relief is appropriate under NJSA 40:55D-70(C)(1). The lot width is only 60% of what is required. There is a lawfully existing structure on the Property. The Applicant's proposal is to construct a deck that will not exacerbate the pre-existing nonconforming conditions. Unlike the house that has a solid wall facing the 7.8 foot side yard setback, in this instance the Applicant's proposal is for an open deck which will always remain open. The deck is proposed for a sliding glass door that accesses the home and is elevated to the first floor level. The deck also provides an appropriate area to be used off of the rear of the house since the first floor is elevated off of the rear property.

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BOROUGH OF OAKLAND, NEW JERSEY

TO: Planning Board

FROM: Glen Turi

This is to advise you that on April 21, 2022 a denial was issued to the resident JTC Realty LLC for the location 13 Manito Avenue, Oakland, NJ 07436

Block:5202 Lot: 35

Zoning District: RA-3

For: Installing a deck

For the following reasons:

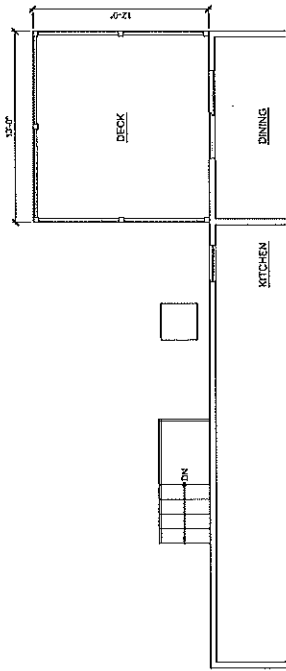
- 1) 59-5 Definition Accessory Building
- 2) 59 Attachment 6 Side Yard: less than 7.8 ft. proposed, 15 ft. minimum required

The Ordinances pertaining to this application are:
Chapter 59-Attachment 6

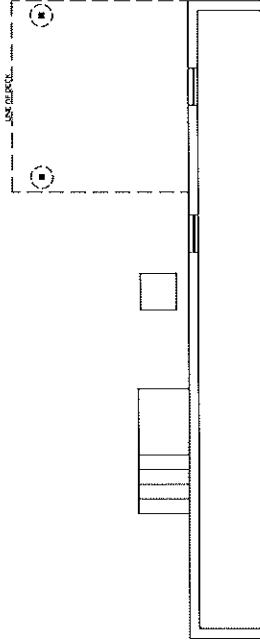
Fee: \$50.00 Paid by: # 104711/10494 LOD: #Z-0421002

An appeal to the Board of Adjustment of the determination must be made within twenty (20) days of the date of this determination.

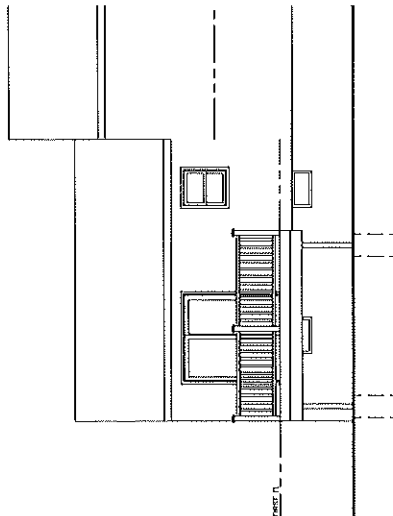
Glen Turi
Zoning Official



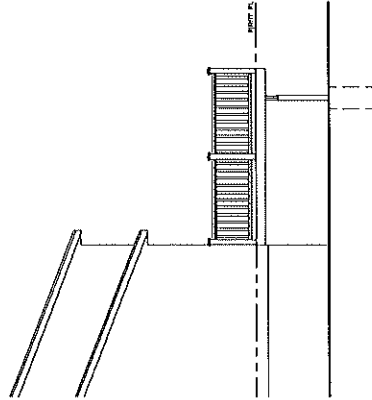
PARTIAL FLOOR PLAN
SCALE: 3/4"=1'-0"



PARTIAL FOUNDATION PLAN
SCALE: 3/4"=1'-0"



REAR ELEVATION
SCALE: 3/4"=1'-0"



RIGHT SIDE ELEVATION
SCALE: 3/4"=1'-0"

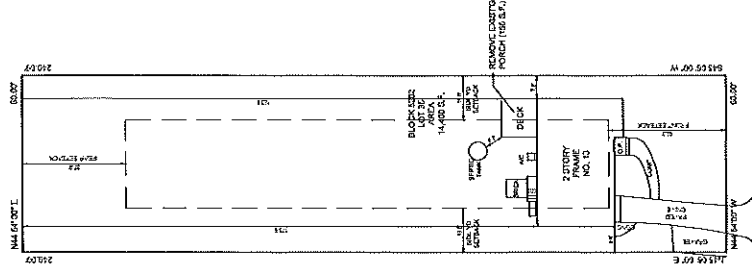
LOADING SCHEDULE	
DEAD LOAD	30
LIVE LOAD	15
TOTAL	45 LBS/SF
FLOOR	45
DEAD LOAD	20
LIVE LOAD	20
TOTAL	40 LBS/SF

2018 INTERNATIONAL RES. & BUILDING CODE - NJ ED
2018 INTERNATIONAL MECHANICAL CODE
2018 INTERNATIONAL PLUMBING CODE
2018 INTERNATIONAL ELECTRICAL CODE
2018 INTERNATIONAL FUEL GAS CODE
2018 ICC/ANCI A117.1 HANDBOOK

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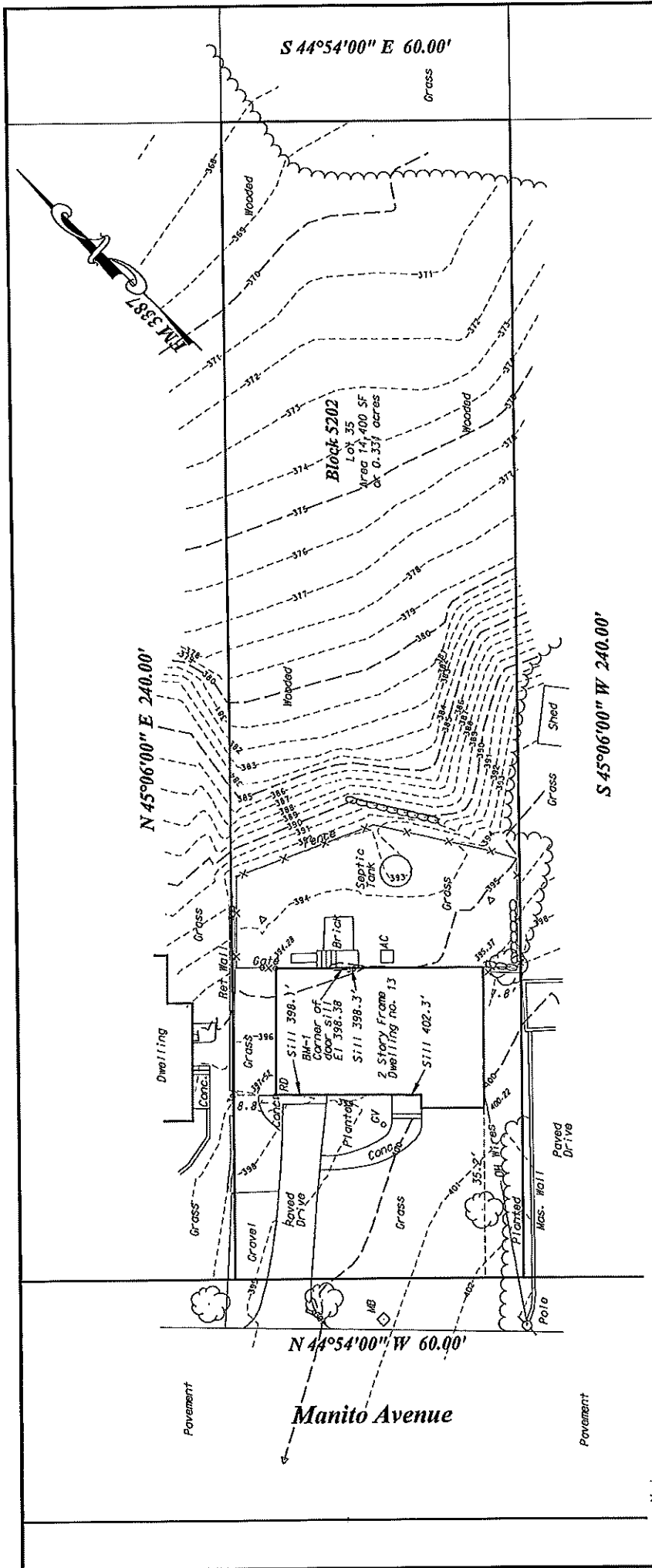
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ZONING TABLE - RA-3 RESIDENCE ZONE	
ITEM	REQUIREMENT
MIN. LOT AREA	10,000 S.F.
MIN. LOT WIDTH	40'-0"
MIN. LOT DEPTH	120'-0"
MIN. LOT COVERAGE	10%
MIN. LOT SETBACK	10'-0"
MIN. LOT FRONT SETBACK	10'-0"
MIN. LOT SIDE SETBACK	10'-0"
MIN. LOT REAR SETBACK	10'-0"
MIN. LOT FRONT YARD SETBACK	10'-0"
MIN. LOT SIDE YARD SETBACK	10'-0"
MIN. LOT REAR YARD SETBACK	10'-0"
MIN. LOT FRONT SETBACK	10'-0"
MIN. LOT SIDE SETBACK	10'-0"
MIN. LOT REAR SETBACK	10'-0"
MIN. LOT FRONT SETBACK	10'-0"
MIN. LOT SIDE SETBACK	10'-0"
MIN. LOT REAR SETBACK	10'-0"



MANITO AVENUE
SITE PLAN
SCALE: 1"=10'

NOTE: INFORMATION TAKEN FROM A SURVEY PREPARED BY CESAR F. PADILLA, INC. NO. 3107, DATED 06/08/21.



- Notes**
- 1) This survey is based solely on the information supplied or attained and listed under references hereon.
 - 2) This survey is subject to easements, covenants, restrictions or any other pertinent information which an accurate title search might disclose.
 - 3) No wetlands or underground improvements if any are shown.
 - 4) Tax map reference Block 5202, lot 35.

References
Filed Map

Map of Ramapo Mountain Lakes, Section No. 3 Situated in the Borough of Oakland, Bergen County, N.J. Dated Nov. 8, 1943 and filed in Bergen County as map no. 3387.

SURVEY OF PROPERTY FOR
13 MANITO AVENUE
 SITUATE IN THE
BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY

ARTHUR J. SCHAPPELL JR. PLS PP
 N.J. PROFESSIONAL LAND SURVEYOR LIC. NO. 31279

DATE 4/30/2021

PREPARED BY
 ARTHUR J. SCHAPPELL JR. PLS
 PO BOX 924
 HEWITT, NEW JERSEY
 (973) 853-1619

DATE 4/30/2021
 SCALE 1" = 20'
 JOB NO. 214646