



DEC 28 2020

BOROUGH OF OAKLAND, NEW JERSEY

TO: Board of Adjustment

FROM: Glen Turi

This is to advise you that on December 18, 2020 a denial was issued to the resident Brian O'Neill for the location 32 Massasoit Trail, Oakland, NJ 07436

Block: 5006 Lot: 7

Zoning District: RA-3 For: Installing a gas generator

For the following reasons:

- 1.) Side yard: approximately 34 ft. proposed, 40 ft. minimum required

The Ordinances pertaining to this application are:


Chapter 59

Sections 47

Schedule A

Fee: \$50.00 Paid by: # LOD: # 20-1218001

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

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

Number _____ Hearing Date _____

Disposition _____ Site Inspection _____

Name

Address

Telephone

Applicant Jeannine O'Neill 32 Massasoit Trl

Oakland, NJ 07436 (201) 602-2372

Owner Jeannine & Brian O'Neill

Tenant/Leasee _____

Agent for Owner _____

Property Location 32 Massasoit Trl Block 5006 Lot 7

**APPLICATION FOR APPEAL FROM ADMINISTRATIVE DECISION
OR VARIANCE FROM THE REQUIREMENTS OF THE ZONING
ORDINANCE**

Check nature of the application:

- ☐ Appeal interpretation of Building Inspector. (Type A)
- ☒ Bulk variance, requesting relief from dimensional zoning code requirement (Type C).
- ☐ Use variance from zoning code permitted uses. (Type D)

To the Board of Zoning Adjustment:

This appeal is from the decision rendered by the Building Inspector dated Dec. 18
20 20. The Board acts only on appeal from an Administrative decision.

Variation Requested

An appeal is hereby made for a variance from the terms of sections and paragraphs numbered Ch. 59, Sect. 47 ^{sch. 8} of the Zoning ordinance so as to permit (in accordance with the attached plans): gas generator to be installed in side yard.

Reasons for variation

The law requires that certain conditions must be established before a variance can be granted.

Note: The Board of Adjustment is required to make a written finding of facts from the showing applicant makes that the three enumerated conditions exist and, in addition, must find that the granting of such variance will not be contrary to the objectives of the Zoning Plan.

(Explain in detail wherein your case conforms to the following three requirements. Not required for administrative appeals applications)

1. That the strict application of the provisions of the Zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with its general purpose and intent, or where the benefit outweighs the detriment.
Due to living on a corner, our backyard is extremely small. If the generator is placed in the backyard, it would sit close to midway in the yard, resulting in a safety issue for my two small kids playing. It also cannot be placed near fences or windows due to safety issues, which leaves nowhere to safely place the generator in the backyard.
2. That there are exceptional circumstances or conditions applicable to the property involved, its intended use or its development that do not generally apply to other property in the same zone and/or neighborhood.
Due to living on the corner, the town is requiring I uphold 2 40-foot setbacks as if I have 2 front yards. There are other generators in town on side yards closer to neighbors than mine would be to anyone. I should be allowed to use the enormous amount of side yard, since it is side yard and not my front yard.
3. That the granting of this variance will not be materially detrimental to the public welfare or injurious to the other property or improvements in that zone and/or neighborhood.
No neighboring houses face the generator and we have plans to camouflage the generator with bushes in the spring so it would not be seen with the naked eye.

Description of proposed structure, property or use:

(If answers to any of the questions below is none or not applicable, indicate "N/A")

1. Block number 5006 Lot number 7 Zoning district RA-3
2. Street Address 32 Massasoit Trl
3. Located ~~between~~ on the corner of Massasoit and Geronimo Way (give street names)
4. Has present or previous owner or applicant held title to or held any interest in Adjoining property at any time? Yes _____ No ☒ If yes, explain nature of interest. _____
5. Lot length & width: _____ Interior of corner lot? _____
6. Number of Streets the lot has frontage on: 2 Lot square foot area 40 ft setback
7. Building size: (length & width) N/A
8. Height of building: (stories & feet) N/A
9. Percentage of lot occupied by building:
Now: _____ % - With proposed addition N/A %
10. Setback from property lines:

	Front	Rear	Right side	Left side
a. Existing:	_____	_____	<u>40 ft</u>	<u>40 ft</u> <i>even so</i>
b. Proposed:	_____	_____	<u>34 ft</u>	<u>34 ft</u> <i>even so</i>
11. Has there been any previous appeal involving these premises?
Yes _____ No ☒
12. Premises presently or last occupied as primary residence
13. Has premises been the subject of any Planning Board action?
Yes _____ No ☒
If yes, attach a copy of Planning Board resolution to this application.
14. Date present owner became owner of property. Dec. 2013

ZONING TABLE

This **MUST** be completely filled out in order for your application to be deemed complete
 ZONE OF SUBJECT PROPERTY: RA-3

	REQUIRED	EXISTING	PROPOSED
Lot Area <i>unchanged</i>	_____ sf min	_____ sf	_____ sf
Lot Width <i>unchanged</i>	_____ ft min	_____ ft	_____ ft
Lot Depth <i>unchanged</i>	_____ ft min	_____ ft	_____ ft
Building Coverage* <i>unchanged</i> (calculated: total building footprint square footage divided by lot area x 100%)	_____ % max	_____ %	_____ %
Impervious Coverage** <i>unchanged</i> (calculated: total impervious footprint square footage divided by lot area x 100%)	_____ % max	_____ %	_____ %
Front Setback <i>unchanged</i>	<u>40</u> ft min	_____ ft	<u>N/A</u> ft
Side Setback	<u>40</u> ft min	_____ ft (Left) <i>unchanged</i> <u>40</u> ft (Right)	_____ ft (Left) <u>34</u> ft (Right)
Rear Setback <i>unchanged</i>	_____ ft min	_____ ft	_____ ft
Building Height <i>unchanged</i>	_____ ft max _____ stories max	_____ ft _____ stories	_____ ft _____ stories

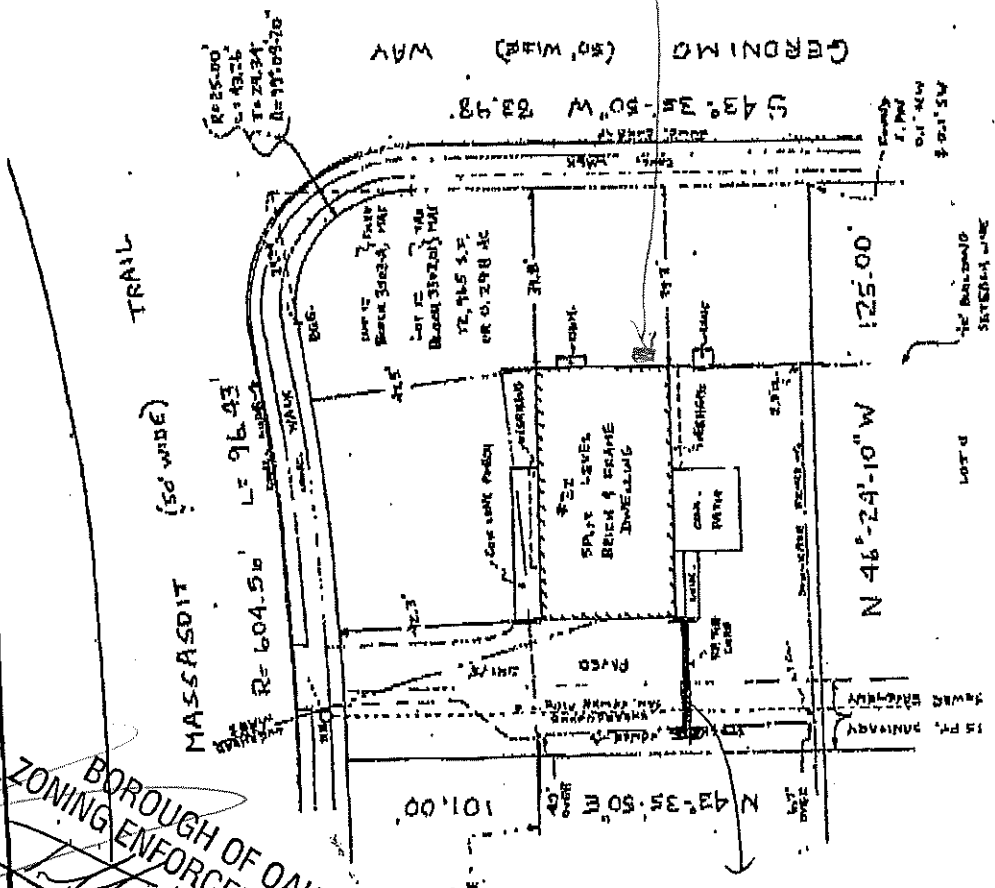
*Building Coverage: that percentage of a lot covered by the roof(s) of all principal and accessory building(s), including roofed over porches and similar extensions of a building such as roofed decks.

**Impervious Surfaces: surfaces covered by roofs, pavement, walks, patios, and other materials so that underlying soils are highly resistant to infiltration of water. This includes all buildings, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

DEED DESCRIPTION: LOT 12 IN BLOCK 3503-A AS SHOWN ON A CERTAIN MAP ENTITLED "SUBDIVISION MAP FOR SKY VIEW AT OAKLAND IN THE BOROUGH OF OAKLAND AND FRANKLIN LAKES, BERGEN COUNTY, NEW JERSEY" FILED IN THE BERGEN COUNTY CLERK'S OFFICE ON NOVEMBER 8, 1965 AS MAP NO. 6357. **REFERENCE:** LOT 12 IN BLOCK 3503.01 AS SHOWN ON THE CURRENT TAX MAP OF THE BOROUGH OF OAKLAND.

LOCATION FOR SURVEY
Lot 12 Block 3503.01
32 MASSASOIT TRAIL
BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY
DATE: JANUARY 2, 1991
SCALE: 1" = 30'

Stephen P. E.D.
STEPHEN P. E.D.
PROFESSIONAL LAND SURVEYOR
N.J. L.S. LICENSE #30081
E.D. ASSOCIATES
410 RAMAPO VALLEY ROAD
OAKLAND, N.J. 0737-0080



CERTIFIED TO: EDWARD RYER AND VIVIAN RYER, HIS WIFE; THE PROVIDENT SAVINGS BANK, ITS SUCCESSORS AND/OR ASSIGNS; TRW TITLE INSURANCE OF NEW YORK, INC.; FRANKIE J. BATTERSBY, ESQ. TO BE AN ACQUAINTANCE SURVEY AS OF JANUARY 2, 1991.
NOTE: MAKING OF THE PROPERTY CORNERS HAS BEEN OBTAINED AT THE WRITTEN INSTRUCTION OF THE CLIENTS.

BOROUGH OF OAKLAND
ZONING ENFORCEMENT OFFICER
Date *6.20.98* *MAK*

160W G-INTERLOCK
FURN W/AD
245,000 BTU

30' x 1 1/2" BRASS
PIPE

GAS
METER

1 1/2"

3/4"

FURNACE

3/4"

HOT
WATER
HEATER

3/4"

STOVE