



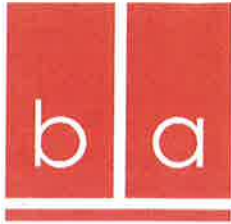
ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	15 Middle Avenue
Application #:	ZB-25-2299
Description/Variations:	Survey submitted 9/4/25 (c) - variance for side yard setback to construct a second story addition.
Sent to Staff for Comments:	September 9, 2025
Due Date:	September 30, 2025

Staff / Commission / Consultant	<u>Delivery Method</u>	<u>Report Attached with Comments</u>	<u>Report Attached with No Objections</u>	<u>Not Submitted</u>	<u>Not Required</u>
Engineering: Colliers	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Board Planner Burgis Associates	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			

AT DUE DATE / UPON RECEIPT FROM ALL STAFF:

Sent to Applicant:	____/____/____
Sent to Attorney:	____/____/____



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

PRINCIPALS:

Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: City of Summit Zoning Board of Adjustment
From: Ed Snieckus, Jr. PP, LLA and Tom Behrens, PP, AICP
Subject: 15 Middle Ave, LLC (ZB-25-2299)
15 Middle Avenue
Block 3802 Lot 6
'c' Bulk Variance Request
Date: October 3, 2025
BA#: 4269,35

I. INTRODUCTION

The Applicant, 15 Middle, LLC is requesting 'c' variance relief for a second floor addition to the existing dwelling located at the above-referenced property. It appears that the addition has already been completed. Associated improvements include interior renovations and widening of the driveway to accommodate two vehicles. The property is located in the R-5 Zone wherein the existing/proposed detached single-family dwelling is a permitted use. The extent of proposed improvements and required variance relief are detailed herein.

II. DOCUMENTS SUBMITTED

Our office has received and reviewed the following application documents:

1. Application forms and accompanying materials.
2. As-built survey prepared by Leeper Land Group, LLC dated March 11, 2025.
3. Architectural plans (5 sheets) prepared by Robert C. Wanthouse, R.A., P.P., Architect & Associates last revised June 23, 2025.

III. PROPERTY DESCRIPTION

The site, identified as Block 3802 Lot 6 in City tax records, is an 8,223 square foot rectangular parcel with frontage on Middle Avenue. Lot 6 is developed with a detached, two-story single-family dwelling and associated site improvements including a paved walkways and driveway and rear deck. Development surrounding the site consists solely of detached single-family dwellings. The aerial image below provides a general overview of the existing site conditions and surrounding development pattern.

IMAGE 1 – SITE AERIAL PHOTOGRAPH



Source: NJ Parcel Explorer, Rowan university. Accessed October 3, 2025.

IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. 'c' Minimum Combined Side Yard Setback. The R-5 Zone requires a minimum combined side yard setback of 33% where the second floor addition has a nonconforming combined side yard setback of 27.42%. It is noted that the dwelling prior to improvements had this existing nonconforming condition.

V. GENERAL COMMENTS

1. We defer the review of stormwater management to the Board Engineer.
2. It is noted that the garage has nonconforming interior dimensions of 9'6" x 19 ft where a minimum garage interior of 10' x 20' is required. The proposed driveway widening can accommodate two vehicles.

*Should the application be approved, the Applicant are hereby noticed to read the Zoning Board resolution of approval making note of all required conditions. It is the applicant's responsibility to take action necessary to meet the stated conditions prior to submitting a construction permit. Failure on the part of the applicant to meet the conditions will result in unnecessary delay in processing the construction and grading permit applications, as applicable.

VI. STATUTORY CRITERIA

The following is a summary of 'c' variance criteria required to be addressed by the Applicant:

'c'(1)'/c'(2) Variance Relief

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test as described below. The Applicant may apply one or both of these tests in providing justifications for their 'c' variance requests.

- A. Physical Features Test: An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
- B. Public Benefits Test: An applicant may be granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the MLUL; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition, the Applicant must address the Negative Criteria of the statute. Specifically, the Applicant must demonstrate: 1) the variance can be granted without substantial detriment to the public good; and 2) that granting the relief will not substantially impair the intent and purpose of the master plan and zoning ordinance.

Memorandum

To: Zoning Board
From: Marie Raffay, P.E.
Date: September 9, 2025
Subject: 15 Middle Avenue
Block 3802, Lot 6
Summit, Union County, NJ

Summit No.: ZB-25-2299

We have reviewed the application and associated submissions prepared by the Applicant, 15 Middle Avenue LLC of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, signed, dated May 12, 2025;
- b. Department of Community Services (DCS) Application for Development Worksheet, dated May 12, 2025;
- c. Zoning Board Application Checklist, dated May 12, 2025;
- d. Transmittal from Demsey, Dempsey & Sheehan, dated May 12, 2025;
- e. Memorandum in Support of Application, undated, prepared by Amanda C. Wolfe, Esq;
- f. Certified List of Property Owners within 200 feet, with map;
- g. Certification of Payment of Taxes, dated 4/22/25;
- h. Owner Disclosure Statement;
- i. Architectural Plans, entitled "Proposed Alteration, 15 Middle Avenue, Block 3802, Lot 6, Summit, NJ 07901", prepared by Robert C Wanthouse, RA, PP, Architect and Associates, consisting of five (5) sheets, last revised date of June 23, 2025;
- j. **Survey entitled, "Plan of As-built, Tax Lot 6, Block 3802, 15 Middle Avenue, City of Summit, County of Union, State of New Jersey", as prepared by Daren C. Leeper, P.L.S., of Leeper Land Group, LLC., dated March 11, 2025.**

Based on our review of the above-referenced documents, this office offers the following revised comments shown in **Bold**:

1. The 8,223.62 square foot (0.189-acre) property is located on the east side of Middle Avenue, approximately 350 feet north of Springfield Avenue.

2. The property is in the R-5 Single-Family Residential Zone, with surrounding properties in the same zone.
3. The property is mostly rectangular in shape with 55 feet of frontage along Middle Avenue, an average depth of 149.5 feet and a rear yard width of 55.44 feet.
4. The property is mostly level, featuring a predominantly flat terrain.
5. The property is currently improved with a 1- ½ story dwelling, deck, walkways, asphalt driveway, and related site improvements.
6. The Applicant should provide testimony on the existing conditions on the property. The survey referenced on the architectural plans should be provided. **The Applicant has provided a survey of the property prepared by Daren C. Leeper of the Leeper Land Group, LLC, dated March 11, 2025. The Applicant shall confirm that no changes have been made to the property since the date of the survey.**
7. The Applicant has begun renovations on the home and is proposing to construct a second story addition and a two-story addition at the front of the home. The Applicant should confirm the improvements in testimony.
8. The Applicant is seeking variances for combined side yard setback which is a pre-existing non-conforming condition. The combined side yard setback is required to be a minimum of 33 percent where 27 percent is existing and is proposed. The Applicant should confirm in testimony.
9. The Applicant should provide lot coverage calculations for both existing and proposed conditions to determine lot coverage changes. The plans should be updated to indicate any proposed or changes in the driveway configuration and the proposed two-story addition at the front of the house. It is unclear if stormwater mitigation is required. **It remains unclear whether the proposed improvements trigger the need for stormwater management measures as part of this application. The Applicant shall provide existing and proposed lot coverage calculations to demonstrate compliance with applicable zoning requirements.**
10. The Applicant should provide testimony on the location of roof leaders and where runoff will be directed for the addition.
11. No trees appear to be removed for the proposed project. We defer to the City forester for review and comment.
12. The Applicant shall be aware of their responsibility to repair any damage to improvements within the City right-of-way including, but not limited to, curb and asphalt caused by construction activities associated with the installation of the improvements on the subject lot.

13. The Applicant shall be aware that if stormwater runoff drainage problems occur on their property and/or neighboring properties because of the construction of the proposed improvements, it is the Applicant's responsibility to remedy that drainage issue.
14. As a condition of approval, signed digital plans shall be transferred to the City of Summit for use in updating the GIS database for the property. Coordination with the City's Engineering Department shall be the responsibility of the Applicant after the application is approved by the City and prior to the issuance of a Certificate of Occupancy.

Should the Board approve the project, the approval may be subject to the issuance of a grading permit (Chapter 35, Article 15) and any required Board conditions. The Applicant shall verify the need for a grading permit with the City which will not be issued until all conditions of the resolution of approval are satisfied.

If you have any questions or require anything further, please contact me.

MKR/mt

R:\Projects\Q:\SUZ\SUZ0880\Correspondence\OUT\250909_mkr_15 Middle Avenue_Variance Review_#2_SUZ0880.docx