

**STAFF REPORT COMMENTS**

**Address:** 29 Fairview Avenue

**Application:** ZB-22-2139 – (d) – variance for FAR & (c) – variances to construct 2-story addition

	<u>No Comments</u>	<u>Report Attached</u>	<u>Not Submitted</u>	<u>No Objections</u>	<u>Not Required</u>
Christa Anderson, Zoning Officer		✓			
Eric Evers, Director/Fire Chief		✓			
Steven Zagorski, Police Chief				✓	
Engineering Division		✓			
Ralph Maritato, Construction Official		✓			
John Linson, City Forester				✓	
Board of Health	✓				
Historic Preservation Commission		✓			
City Planner-Burgis (if required)					✓
Environmental Commission (if required)			✓		

Sent to applicant / attorney on: \_\_\_\_\_

(circle one)

Due Back: \_\_\_\_\_

## COMMUNITY SERVICES

**TO :** Zoning Board members

**FROM :** Christa Anderson, Zoning Officer CA

**DATE :** July 28, 2022

**SUBJECT :** Zoning Board application #ZB-22-2139  
29 Fairview Avenue; John & Laura Burke  
Variances for a rear two-story addition, second story addition and rear patio

**COPY TO:** File

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The application is filed as a direct application having no prior zoning review. The applicant has provided an existing conditions survey prepared by William G. Hollows, PE and PLS, of Murphy & Hollows, LLC, dated June 4, 2021, 2 sheets of proposed engineering plans, including a current topographic survey and a proposed site plan also prepared by William G. Hollows, dated February 15, 2022, 3 sheets of architectural plans prepared by Alan Leonard, RA, one dated March 2022 and two undated. The architect has also provided an annotated sheet of the site plan describing the proposed additions. The applicant proposes to construct a two-story rear addition, a new rear patio, a new enclosed front vestibule and a new front canopy. Based on the plans submitted and the requirements of the R-10 Zone wherein the property is located, I find that **variances are required as follows:**

1. **For front yard setback proposed of 26.6 feet at the new front vestibule** whereas 30 feet is required
2. **For front yard setback proposed of 23.3 feet at the new front portico** whereas open porches and porticos are permitted to encroach a maximum of 6 feet into the required front yard or 24 feet in the R-10 Zone
3. **For the right side yard setback proposed of 11 feet at the rear addition** whereas 12 feet is required. The existing right side yard setback is 10.8 feet. The applicant should provide a right side elevation as this is the area which requires the variance.
4. **For total side yard percentage proposed of 31.34% at the rear addition** whereas 35% is required. The existing total side yard percentage is 31%
5. **For building coverage proposed of 19.9% (1435 SF)** whereas 19% is the maximum permitted. The application gives the proposed building coverage percentage as 19.95% but gives the building coverage area as 1363 SF which would be 18.95%. The architect should clarify this discrepancy.
6. **For FAR proposed of 32.9%** whereas 25% is the maximum permitted

The architect should address how the proposed additions conform to the provisions of DRO 14.2.C.3, "Additions to dwellings in all zones shall have roof pitches equal to that of the primary roof on the dwelling except as may be otherwise be permitted for lower tier roofs."

**Should the application be approved, the applicant is hereby noticed to read the Zoning Board resolution of approval making note of all conditions to be met. It is the applicant's responsibility to take action necessary to meet the stated conditions prior to submitting a construction permit. If approved, the previously approved grading permit must be amended. Failure on the part of the applicant to revise the grading permit plan will unnecessarily delay the processing of the applicant's construction permit application.**





## Memorandum

To: Zoning Board

From: Christopher L. Dour, P.E., P.P.

Date: July 26, 2022

Subject: 29 Fairview Avenue  
Block 1801, Lot 10  
Summit, Union County, NJ

Summit No.: ZB-22-2139

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We have reviewed the application and associated submissions prepared John and Laura Burke, Applicants, for the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, signed, dated April 5, 2022;
- b. Description of Proposed Work, prepared by Alan Leonard, Architect;
- c. Application for a Certified List of Property Owners dated 3/16/22;
- d. Survey, prepared by William G. Hollows, PE & PLS of Murphy & Hollows Associates LLC, signed dated June 4, 2021;
- e. Building and Lot Coverages- Existing and Proposed, unknown source, undated; and
- f. Architectural Plan entitled, "Burke Residence, 29 Fairview Ave, Summit NJ", consisting of three (3) sheets, prepared by B. Alan Leonard, N.J.R.A., unsigned, dated March 2022.

Based on our review of the above-referenced documents, this office offers the following comments:

1. The 7,213-square foot (0.17-acre) property is located on the east side of Fairview Avenue, approximately 450-feet south of the intersection with Beekman Road, and 180-feet north of Cromwell Parkway.
2. The property is in the R-10 Zone, with surrounding properties in the same Zone.
3. The Applicant has submitted topographic information, with an elevation of 367-feet along Fairview Avenue, and 375-feet along the rear property line. The Applicant shall confirm that there are no steep slopes on the property.
4. The property is improved with a two-story single-family home, driveway, one-car front-facing attached garage, patio, walkways, and related site improvements.

5. The property is somewhat rectangular with 60-feet of frontage along Fairview Avenue, an average depth of 120-feet, and a rear property width of 60-feet.
6. The Applicant is proposing a two-story addition to the rear of the home, a new 283-square foot patio, and related site improvements.
7. The Applicant notes a 3,000-square foot Limit of Disturbance on the property.
8. The Applicant is proposing an increase of 456-square feet of Building Coverage from 983-square feet (13.6-percent) to 1,439-square feet (19.95-percent), where the maximum permitted in the R-10 Zone is 18-percent.
9. The Applicant shall confirm that the proposed patio will be at grade, which if not at grade will add to building coverage.
10. The Applicant is proposing to increase the existing Impervious Coverage 283-square feet from 2,154-square feet (29.9-percent) to 2,437-square feet (33.8-percent), where the maximum permitted in the R-10 Zone is 35-percent.
11. The Applicant has not proposed the installation of stormwater improvements and we take no exception. The Applicant notes the location of two-yard inlets in the rear yard, one of which will be relocated and shall provide testimony where the stormwater is directed, although this appears to discharge at two locations in the street.
12. The Applicant shall provide testimony regarding the roof drain for the proposed addition. The Applicant shall not direct runoff towards neighboring properties.
13. The Applicant has noted the location of an AC units in the rear of the home and shall note if a generator is proposed at this time. All mechanical equipment shall comply with the Ordinance for setbacks and screening.
14. The Applicant has not noted if they are proposing to remove any trees, and we defer to the City Forester for review and approval of the proposed improvements.
15. 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.
16. The Applicant shall maintain a silt fence for the entire duration of construction.
17. The Applicant shall remove all excavated and excess soil from the site and shall not use excess soils elsewhere on site.
18. 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.

19. 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.

The referenced application and plans provided, satisfy the engineering requirements for this variance application. **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.

CLD/lb

<b>Copy To:</b>	
⊖ PL/Zoning Chm./Atty.	⊖ Applicant
⊖ Boards Members	⊖ Applicant's Atty.

**COMMUNITY SERVICES**

**TO:** Christa Anderson, Zoning Officer  
Eric Evers, Director/Fire Chief  
Steven Zagorski, Police Chief  
Engineering Division  
Burgis Associates (if applicable)

**Ralph Maritato, Construction Official**  
John Linson, City Forester  
Health Department  
Tom Conway, Chair, HPC  
Environmental Commission (if  
Applicable)

**FROM:** Chris Nicola, Land Use Assistant, DCS

**DATE:** July 18, 2022

**LOCATION:** 29 Fairview Avenue      **BLOCK:** 1801      **LOT:** 10

**APPLICATION:** John & Laura Burke      **FILE NO.:** ZB-22-2139

**PROJECT:** (d) – variance for FAR & (c) – variances to construct 2-story addition

Attached is a copy of the plans and application for the subject property. Please review this proposal and return a copy of this memo with your comments prior to the date indicated below.  
Attach additional pages or reports, if necessary.

Please respond **July 27, 2022** (Please email cnicola@cityofsummit.org if you are unable to meet this date.)  
by:

**COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Per NJAC 5:23-6.32, AC-powered, interconnected smoke detectors with battery backup will be required in the following locations: 1. Min. (1) on each level, including basement; 2. In all sleeping areas within 10' of all bedroom doors. 3. In all bedrooms. If the variance is granted, compliance information re: this provision must be clearly indicated on plans submitted for construction permit.

*Ralph Maritato*  
(NAME) PRINT PLEASE

*Construction official*  
(PRINT TITLE)

*7/25/22*  
(DATE)







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COMMENTS:

The proposed rear additions are in keeping with the scale of the adjacent homes in the neighborhood. The committee recommends that the exterior facade materials, which were not noted on the elevations, match the siding on the original house.

James Burgmeyer

July 22, 2022

