

STAFF REPORT COMMENTS

Address: 25 Sherman Avenue

Application: ZB-22-2144- (c) – variance to expand garage

	<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 : September 6, 2022
SUBJECT : Zoning Board application #ZB-22-2144
25 Sherman Avenue; Don & Vicky DeMuth
Variance to expand a nonconforming attached front-facing garage
COPY TO: File

The application is filed following conversation with the architect but no formal letter of denial being issued. The applicant proposes to construct a second floor dormer addition to the existing attached front-facing garage. The plans submitted consist of an existing property survey prepared by John C. Ritt, PLS, of James P. Deady Surveyor, LLC, dated 05/17/22 and 3 sheets of architectural plans prepared by Janet Siegel, RA, dated 2022-06-15. The applicant has also provided a ZB resolution dated November 1, 1993. The application at that time proposed to connect the previously-existing detached garage to the principal structure by means of constructing a pergola. That application was approved as per the resolution provided although I cannot explain why the resolution gives the required total side percentage required as 25% when it was 33% required at that time and is now 35% required. Since the date of the 1993 resolution, no changes have been made to the garage footprint or upper story

The applicant proposes to construct a dormer on the right side of the existing garage ridge to match the existing dormer on the left side of the garage ridge. The proposed left side yard setback at the new dormer is conforming at 20.1 feet. The existing nonconforming total side yard percentage of 13.4% will be unchanged; however, measured at the ridge of the existing garage, the total side yard percentage is proposed at 21.36% (20.1 feet on the left and 14.6 feet on the right divided by the lot width of 162.5 feet.

Given that the ceiling height on the garage floor loft is less than 7 feet, the loft is not habitable space. There is no increase in FAR. The applicant should provide testimony as to the purpose the added dormer space.

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 or grading permit application. Failure on the part of the applicant in meeting all of the memorialized conditions of approval will unnecessarily delay approval of the construction permit and/or grading permit applications.

Copy To:	
<input type="checkbox"/> PL/Zoning Chm./Atty.	<input type="checkbox"/> Applicant
<input type="checkbox"/> Boards Members	<input type="checkbox"/> Applicant's Atty.

COMMUNITY SERVICES

TO: Christa Anderson, Zoning Officer
 Eric Evers, Director/Fire Chief
 Andrew Bartolotti, 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: August 19, 2022

LOCATION: 25 Sherman Avenue **BLOCK:** 1203 **LOT:** 36

APPLICATION: Don & Vicky DeMuth **FILE NO.:** ZB-22-2144

PROJECT: (c) – variances for garage expansion

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 by: **September 9, 2022** (Please email cnicola@cityofsummit.org if you are unable to meet this date.)

COMMENTS:

Build to code _____

Eric P. Evers

Fire Chief

August 24, 2022

DO NOT WRITE BELOW THIS LINE, PLEASE

____ Zoning; ____ Fire; ____ Police; ____ Engineer; ____ Construction Official; Forestry; ____ Board of Health; ____ HPC

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⊖ Applicant

⊖ Boards Members

⊖ Applicant's Atty.

COMMUNITY SERVICES

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Steven Zagorski, Police Chief
Engineering Division
Burgis Associates (if applicable)

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by:

COMMENTS: NO Objections

Sgt Charles Dohy
(NAME) PRINT PLEASE

Troop Sergeant
(PRINT TITLE)

8/22/22
(DATE)

Memorandum

To: Zoning Board

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

Date: September 14, 2022

Subject: 25 Sherman Avenue
Block 1203, Lot 36
Summit, Union County, NJ

Summit No.: ZB-22-2144

We have reviewed the application and associated submissions prepared by Don and Vicky DeMuth, Applicants, for the subject property as referenced below:

- a. Application to Zoning Board of Adjustment dated June 18, 2022;
- b. Application for Development-Worksheet, signed, dated 6/18/2022;
- c. Letter to Board of Adjustment Requesting New Variance Approval, prepared by Janet B. Siegel, AIA/NCARB of Janet B. Siegel Architecture, signed, undated;
- d. Amended Resolution dated November 22, 1993;
- e. Resolution dated November 1, 1993;
- f. Application for a Certified List of Property Owners, undated;
- g. Survey of Tax Lot 36-Block 1203, Located in the City of Summit, Union County, New Jersey, prepared by John C. Ritt, P.L.S. of James P. Deady Surveyor, LLC, signed, dated 05/17/22; and
- h. Plan entitled, "Garage Dormer Addition for the DeMuth Residence, 25 Sherman Avenue, Summit, NJ 07901", consisting of three (3) sheets, prepared by Janet Siegel Architect, AIA, NCARB, signed, dated 07/23/2021, last revised 06/15/2022.

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

1. The 23,369-square foot (0.54-acre) property is located at the end of Sherman Avenue on the east side of the roadway.
2. The property is in the R-10 Zone, with surrounding properties in the same zone.

3. The Applicant has submitted an existing conditions plan based on survey dated May 17, 2022. The property is improved with a two-story single-family home, covered porch, paver driveway, paver patio with masonry wall, pergola, masonry two-car garage, slate walkways, covered porch and related site improvements.
4. Based on the existing conditions plan provided by the Applicant, there are existing walls and fences that encroach into surrounding properties along each property line. We defer to the City if the existing encroachments need to be resolved prior to approval.
5. The property is somewhat rectangular in shape with about 155-feet of frontage along Sherman Avenue, and average depth of 150-feet and approximately 161-feet along the rear property line.
6. The Applicant received approval from the Zoning Board on October 4, 1993, with the Resolution memorialized on November 1, 1993, for variances to construct an addition of a two-car, front facing attached garage together with a new covered connector, terraces and trellis walkways.
7. The Applicant is requesting a variance for garage expansion to expand the loft space above the existing attached two-car garage. The proposed south-facing shed dormer will mirror the north-facing shed dormer along the property line.
8. The Applicant is not changing the existing Building Coverage of 3,789-square feet (16.2-percent), where the maximum permitted in the R-10 Zone is 18-percent.
9. The Applicant is not changing the existing Lot Coverage of 8,018-square feet (34.3-percent), where the maximum permitted in the R-10 Zone is 35-percent.
10. The Applicant shall provide testimony regarding the noted manhole on the plans.
11. The Applicant shall properly remove all construction and demolition (C&D) debris per the Ordinance requirements.
12. The Applicant has not submitted a separate Grading Plan, and we take no exception.
13. The Applicant does not note a Limit of Disturbance, and we take no exception.
14. The Applicant has noted the location of the existing AC units for the main dwelling and shall note if a separate AC unit is proposed for the expanded loft area, or if a generator is proposed at this time. All mechanical equipment shall comply with the Ordinance for setbacks and screening.
15. The Applicant has not noted that they are proposing to remove any trees and we defer to the City Forester for review and approval of the proposed improvements.
16. The Applicant notes that they are 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.

17. With this application, the Applicant has provided interior loft plans and we defer to the City Building Department for any interior building requirements.
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

Copy To:
⊖ 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)

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COMMENTS: _____

Garage dormer is for storage only, not to be used for living space.

Ralph Maritato *Construction official.* *8/22/22*

(NAME) PRINT PLEASE (PRINT TITLE) (DATE)

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θ Boards Members θ Applicant's Atty.

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COMMENTS: No objection

John Linson
(NAME) PRINT PLEASE

Forester
(PRINT TITLE)

8/25/22
(DATE)

Copy To:

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⊖	Boards Members	⊖	Applicant's Atty.

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COMMENTS: So Comments.

George Karasias
(NAME) PRINT PLEASE

REU
(PRINT TITLE)

8/22/22
(DATE)