

**BOROUGH OF NEW PROVIDENCE**

**BOARD OF ADJUSTMENT**

**RESOLUTION**

**WHEREAS**, Revathi Ananthakrishnan is the owner of 76 Woodland Road, New Providence, New Jersey (the "Applicant"), and have applied to the Zoning Board of Adjustment of the Borough of New Providence (the "Board") for variances pursuant to N.J.S.A. 40:55D-70(c) for relief from the Borough's zoning ordinance to permit the construction of an addition. The proposed side yard setback to the addition is 9.5 feet, with a combined total of 24.9 feet, whereas 12 feet with a combined total of 30.6 feet is the minimum required. The existing front yard setback to the stoop is 34 feet and 38 feet to the house. The property is designated as Block 231, Lot 8 on the Borough Tax Map, and lies in the R-2 Single Family Residential Zone; and

**WHEREAS**, the Board has reviewed the application, testimony and exhibits presented by the Applicant at the hearing conducted on January 27, 2020; and

**WHEREAS**, the Board has made the following findings of fact and drawn the following conclusions of law:

**FINDINGS OF FACT**

1. The Applicant, Revathi Ananthakrishnan, is the owner of 76 Woodland Road, New Providence, New Jersey. The property is designated as Block 231, Lot 8 on the Borough Tax Map, and lies in the R-2 Single Family Residential District.

2. The proposed side yard setback to the addition is 9.5 feet, with a combined total of 24.9 feet, whereas 12 feet with a combined total of 30.6 feet is the minimum required. The proposed rear yard to the second-floor addition is 37.8 feet whereas 40 feet is the minimum required. The existing front yard setback to the stoop is 34 feet and 38 feet to the house. The proposed addition is in violation of the requirements set forth at Chapter 310, Article IV, Section 310-10, Schedule II.

3. Board Member Ananthakrishnan recused herself from the hearing as she was the architect for the Applicant.

4. The Applicant, Revathi Ananthakrishnan, and her architect, Malathi Ananthakrishnan (“Architect”), were sworn in. Malathi Ananthakrishnan presented her credential as a licensed professional architect and was accepted as such. The Applicant would like to add a powder room next to the dining room. She is disabled and works from home. She has a bathroom upstairs and one on the ground level, but it would be much easier for her to have a bathroom on the dining room level.

5. The Architect described the house and the proposed addition. The 5.5-foot addition would be located on the left side of the house which is a split level. There is no bathroom on that level. The dining room is only 8.5 feet wide making it difficult for the Applicant to walk around the dining room chairs with her walker. The addition will expand the dining room to provide more accessibility for the Applicant and provide a powder room.

6. The lot is pie shaped which presents a hardship. The property is 75 feet wide along Woodland Road but only 35 feet across the back with an average of lot width of 55 feet so variances for the side-yard setback of 9.5 feet and the combined side-yard setback are required. The Architect did not provide a side elevation, but the addition will have two windows, one in

the dining room and one in the powder room. The gable roof will be extended out 5.5 feet. The following were marked:

- Exhibit A-1 – Sheet with four photographs showing the distance between the applicant and the neighbor to the left, the property in question, a similar extension done at 90 Woodland Road; and the dining room.

- Exhibit A-2 – Photograph of the tree to rear of the current dining room.

7. The Architect described the exhibits. The top right photograph on Exhibit A-1 shows the relationship between the Applicant's house and the neighbor to the left. The addition would still leave 9.5 feet to the property line. The photograph on the top right of the exhibit shows an 8-foot addition at 90 Woodland Road similar to what is proposed. The bottom right photograph shows the dining room which is narrow. It is difficult to walk around the table when the chairs are pulled out. Referencing Exhibit A-2, the Architect described the 8 inch diameter tree located at the left rear of the house. The Applicant prefers to keep the tree which would be 4 feet beyond the addition.

8. The Architect responded to questions from the Board. The air conditioning condensers will be moved to the rear of the house. The neighbor's garage is to the left of the proposed addition. The siding for the addition will match the existing siding. No exterior lighting is proposed. The addition will have two windows as previously described. The height of the house is 23 feet on the right side and 15.4 feet for the proposed addition.

9. The Board had no further questions for the Applicant. The hearing was opened to questions from the public. There were no questions from the public.

10. The hearing was opened to comments from the public. Alexandra Loureiro, 81 Woodland Road, was sworn in and expressed support for the application. She has witnessed the

hardship of the Applicant's disability and the addition to include a first-floor bathroom will be helpful to her in her daily life and routine. There were no additional comments from the public and the hearing was closed.

### **CONCLUSIONS OF LAW**

1. The proposed addition does not comply with the requirements established by Chapter 310, Article IV, Section 310-10, Schedule II. The request to permit the construction of the addition requires the granting of "c" variances pursuant to N.J.S.A. 40:55D-70(c).

2. Through the testimony and exhibit presented, the Applicant has established that the application:

- (a) relates to a specific piece of property, namely the Applicant's premises;
- (b) that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, namely the promotion of the public health, safety, morals and general welfare and the preservation of neighborhood character and conservation of neighborhood values;
- (c) that the variances can be granted without substantial detriment to the public good;
- (d) that the benefits of the deviations would substantially outweigh any detriment and that the variances will not substantially impair the intent and purpose of the zone plan and ordinance.

3. The Board further found that the pie shaped dimension of the lot created a hardship and that the addition would not negatively impact the neighborhood.

**NOW, THEREFORE, BE IT RESOLVED**, on this 3<sup>rd</sup> day of February 2020, that Revathi Ananthakrishnan's application for "c" variance relief be and hereby is **GRANTED**, subject to the following conditions:

1. The addition shall be constructed in accordance with the plans and testimony presented to the Board;
2. The Applicant must obtain a building permit and commence construction within twelve (12) months from the date of its issuance and complete construction within twenty-four (24) months thereafter;
3. The approval is subject to all other governmental approvals, including but not limited to compliance with the Borough's lot grading ordinance; and
4. The variances granted herein shall not constitute authority to engage in any construction which is not authorized by the Zoning Ordinance of the Borough of New Providence, except as expressly stated herein.

**ROLL CALL VOTE**

Those in Favor: Mr. Morgan, Mr. Sorochen, Mr. Kogan, Mr. Dunscombe,  
and Mr. Nadelberg

Those Opposed: -----

The foregoing is a Resolution duly adopted by the Zoning Board of Adjustment of the Borough of New Providence at its meeting on February 3, 2020.

ATTEST:

Margaret Karity  
Secretary, Board of Adjustment

William H. Jolly  
Chairman, Board of Adjustment