RESOLUTION NO. 2014-8

Applicant: George Papathanasiou

Property: 280 Grove Avenue
Block 903 Lot 9.02

Site Plan Approval - to construct a single family dwelling at 280 Grove Avenue, Block 903 Lot 9.02 with a year yard set back variance to 21.63 when 25 feet is required.

RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING BOARD GRANTING SITE PLAN APPROVAL WITH REAR YARD SET VARIANCE TO 20.97 FEET

WHEREAS. The applicant has applied for a rear yard variance for property located at 280 Grove Avenue. The property is known as Block 903 Lot 9.02. The applicant appeared before the Board of March 25th 2014 and proposes to construct a single family dwelling with a year yard set back of 21.63 feet from the property line., and

WHEREAS. The property is located in the R1 Residential District, and the use intended by the applicant is a permitted use. The applicant was represented by David C. Patterson Esq. The Board has received and reviewed the plans submitted by the applicant's engineer James T. Sapio of JTS Engineers and Land Surveyors Inc. dated September 17th 2007. The Board also received and reviewed the report submitted by the Board's engineer Charles J. Riebel Jr. P.E.,P.L.S., P.P. dated March 24th 2014, and the applicant appeared before the Board and the following determinations have been made;

1. Following a discussion with the Board, the Board determined that the application was properly before the Board, and that the applicant proposed a single family residential dwelling on the lot. As part of the applicant's testimony, all exhibits were submitted and marked to support the applicant's position.

2. The Board determined that this is a permitted use in the zone.

3. The Zone requires a 25-foot rear yard set back from the property line.

4. The applicant presented testimony that the rear yard area contains an eight foot permanent easement from the adjoining lot to the applicant's lot. The applicant presented the form of easement which was dated November 6th 2007. The applicant presented testimony that the easement has been submitted to the Camden County Clerk's Office for recording of record.

5. A review of the eight foot easement supported the applicant's request in that the granted easement provided the applicant's lot with an unrestricted use of the easement area and with the intent that that the easement area to be determined as part of the applicant's lot. Also, the easement allowed the applicant the right to enclose all or a portion of said described easement by a fence. The easement, to be recorded of record, shall be an easement to run with the land.

6. There was determination that the easement supported the applicant's request for a 21.673 rear yard set back variance, in that the permanent easement afforded the applicant an additional eight feet of year yard area.

7. Based on the testimony presented, the Board determined that the application should be approved.

NOW THEREFORE, BE IT RESOLVED, by the Planning/Zoning Board of the Township of Berlin that the application for site plan approval for a single family dwelling with a rear yard set back at 21.63 feet from the property line be and is hereby GRANTED.

BE IT FURTHER RESOLVED the applicant shall secure all other municipal, county and state approval as may be necessary.

ATTEST:

KELLY McCAULEY
Secretary

BERLIN TOWNSHIP
PLANNING/ZONING BOARD

Vice Chairman

CERTIFICATION
I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Berlin Township Planning/Zoning Board at a meeting held on March 25th 2014.

KELLY McCAULEY, Secretary