

RESOLUTION NO. 2023-12

Applicant: Kermjit Singh Dhunna  
Property: 569 Route 73 North  
Block 1002 Lot 5

Use Variance To permit single family residence, previous non-conforming use, in a C-2 Highway Commercial Zone

RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING BOARD  
GRANTING A USE VARIANCE FOR LOT 5 BLOCK 1002  
TO PERMIT A SINGLE FAMILY RESIDENCE IN C-2 ZONE

WHEREAS. The applicant is applying for a use variance for property known as Block 1002 Lot 5, to permit single family residence in a C-2 Zone, and

WHEREAS. The applicant has made application for approval of the use variance with a waiver of site plan. The applicant intends to occupy the property as a single family home, and

WHEREAS. The applicant has submitted a survey of the property prepared by David J. Von Steenburg P.P. dated September 1<sup>st</sup> 2022. The plan has been reviewed by Charles J. Riebel Jr. P.E., P.L.S., P.P., the Engineer for the Board. The Board Engineer's report is dated December 1<sup>st</sup> 2022, and

WHEREAS. The applicant appeared before the Board and was represented by Peter M. Flannery Esq. The applicant's brother was present at the hearing on behalf of the applicant, and Tiffany Morrissey P.P. presented testimony as the Applicant's Professional Planner. All individuals intending to present testimony and professionals were sworn in, and

WHEREAS. The Board determined that the application was properly before the Board and the proof of notice and publication was appropriate, and

WHEREAS. Following a review of the application, and the receipt of testimony, the Board determined that the property has been previously used as an owner occupied account's office on the first floor and a family residence on the second floor. The property is currently vacant. The Board Engineer reported that there has been attempts to occupy the structure as for a commercial use. However all such attempts have been abandoned. The property is a 50-foot wide property and presents difficulty in meeting zoning requirements for a commercial use, and

WHEREAS. Testimony was presented to the Board that the applicant currently operates a commercial business within the vicinity of the property and desires to occupy the property as a two bedroom singly family home, and

WHEREAS. There was testimony presented to the Board that the applicant intended to remodel the interior of the home to reflect a single family home, and there would be no stand alone second floor rental of the property, and

WHEREAS. There was discussion on the repairs of the exterior of the building, as well as the two car parking area located in the rear of the property. The applicant was in agreement to repair the the rear parking area with an apron for vehicle turn-around, and concrete side walk area in the front of the building.

WHEREAS. The applicant's professional addressed all concerns of the Board and presented testimony sufficient to satisfy both Special Reason and Negative Criteria to support the use variance, and

WHEREAS. The Board determined that the granting of this use variance as proposed by the applicant, will not be a substantial deviation from the intent and purpose of zoning and will not create a substantial detriment to the public good.

NOW THEREFORE, BE IT RESOLVED, by the Planning/Zoning Board of the Township of Berlin that the application for a use variance for lot 5 Block 1002 to permit a single family residential use is hereby GRANTED.

BE IT FURTHER RESOLVED, That the applicant's request for a waiver of site plan be and is hereby GRANTED.

BE IT FURTHER RESOLVED, as a condition of this use variance approval;


a. the applicant will provide a floor plan to the Board Engineer showing the removal of the second floor apartment and showing the building use as a single family home, for review and filing.

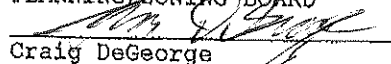
b. The applicant will provide the Board Engineer with plans showing the exterior remodel of the building, repairs of the driveway to a width at 9 feet, and exterior two car parking area, vehicle turn rear area around, and repair of the concrete side walk and front apron.

c. The applicant will remove a former freestanding sign located within the front yard area.

BE IT FURTHER RESOLVED, The applicant shall receive all approvals as may be necessary from applicable Local, County, State or Federal agencies, and shall comply with all such laws, rules and regulations.

ATTEST:

  
Kelley Schendock  
Secretary

BERLIN TOWNSHIP  
PLANNING/ZONING BOARD  
  
Craig DeGeorge  
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 January 10<sup>th</sup> 2023.

  
Kelley Schendock, Secretary