

Holland Township Board of Adjustment

Minutes of the September 26, 2018

The meeting was called to order by the Chairman, William Martin:

“I call to order the September 26, 2018 Regular Meeting of the Holland Township Board of Adjustment. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board Secretary December 21, 2017 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 21, 2017 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.

Flag Salute:

Chairman Martin asked all too please stand for the Pledge of Allegiance.

Identification of those at the podium for the benefit of the recording machine:

Present: Jerry Bowers, Ginger Crawford, Peter Kanakaris, Gail Rader, William Martin, David Pierce, Esq., and Maria Elena Jennette Kozak, Secretary.

Absent: Bill Ethem, Robert Martucci, Engineer, Darlene Green, Planner, Court Reporter Lucille Grozinski, CSR, and Elizabeth McKenzie, Alternate Planner

Let the record show there is a quorum.

Minutes: A motion was made by Peter Kanakaris and seconded by Jerry Bowers, to dispense with the reading of the August 29, 2018 minutes and to approve as recorded. All Present were in favor of the motion with the exception of Ginger Crawford who abstained. Motion carried.

Completeness

Block 23 Lot 37 – County Route 519/547 Milford Warren Glen Road –JHM Signs(Alan Stern) – John Oliver-owner – Variance Relief – Sign for Edward Jones office – Received into our office on July 20, 2018. 45-day completeness review deadline is September 3, 2018. Deemed incomplete August 29, 2018. Nothing new received. NO Board action needed.

Public Hearing

There were no Public Hearings scheduled.

Resolution

Block 8 Lot 2 – 3 Upper Oak Lane – Charles & Barbara Tirrell – Variance Relief – Porch addition – set back issue - Received into our office on July 31, 2018. 45-day completeness review deadline is September 14, 2018. Completeness review scheduled for August 29, 2018. Deemed complete August 29, 2018. Public Hearing August 29, 2018. Application approved with conditions. Resolution prepared by BOA Attorney and distributed for review. Board action needed to memorialize the resolution.

Two versions were submitted for review and the difference is on Page 5 Section E. The applicant submitted a request for consideration and during testimony with additional material submitted, had a slight change from the original drawings.

RESOLUTION 2018-004

THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF HOLLAND

RESOLUTION APPROVING THE APPLICATION

**FOR A FRONT YARD SETBACK VARIANCE FOR BLOCK 8, LOT 2,
LOCATED ON 3 UPPER OAK LANE,
BY APPLICANT, CHARLES AND BARBARA TIRRELL**

WHEREAS, Charles and Barbara Tirrell, 3 Upper Oak Lane, Milford, New Jersey, (the “Applicant”) have applied to the Holland Township Board of Adjustment (the “Board”) for variance relief for, and are the owners of, Block 8, Lot 2, located on 3 Upper Oak Lane, in the Township of Holland, County of Hunterdon, State of New Jersey (the “Subject Property”);

WHEREAS, The Subject Property is situated in Holland Township’s Residential “R-1” zone;

WHEREAS, the application, undated, was filed on or about July 31, 2018 (the “Application”);

WHEREAS, the Applicants propose to construct an addition to the existing porch , consisting of a covered porch extension on the front and side of the existing dwelling and a covered deck on the side and rear of the existing dwelling situated on the Subject Property;

WHEREAS, the Applicants seek the following relief from the Township of Holland Land Use Ordinance:

1. Variance relief under N.J.S.A. 40:55D-70c(2) from Section 100-46, the requirement to provide a front yard setback of 50 feet; and
2. Such other variance relief as may be determined to be required to permit the proposed project.

WHEREAS, the current Application was the subject of a completeness hearing on Wednesday, August 29, 2018, at which time the Board, on recommendation of the Board Engineer, deemed the Application complete;

WHEREAS, the following documents were submitted with regard to the application, are on file with the Board, and are part of the record in this matter:

1. Application for Variance Relief , undated, and filed on July 31, 2018, including the following:
 - a. Survey Plan - Proposed Addition & Alteration for the Subject Property, prepared by Ralph L. Finelli, architect;
 - b. Site Walk Authorization;
 - c. Escrow Replenishment Agreement;
 - d. Certification that the subject Property is located within the Boundaries of the

- Highland Preservation Area;
 - e. Fee Calculation Form;
 - f. IRS Form W-9;
 - g. Photographs of the current dwelling;
 - h. Certification of ownership;
 - i. Historical photographs of the Subject Property;
 - j. Photographs of the view from the Subject Property;
 - k. Tax Collector's Certified List of Property Owners;
 - l. Correspondence dated July 26, 2018, from Lawrence D. Creveling, Holland Township Zoning Officer denying Applicants' requested relief;
 - m. Holland Township Tax Collector's "Certification of Paid Taxes" dated July 26, 2018, referencing the Subject Property's current property tax status;
 - n. Section "H" Checklist for Determining Completeness;
 - o. Tax Department Holland Township Information Sheet for the Subject Property;
 - p. Summary for Zoning Variance application;
 - q. Plan of Survey prepared by William J. Butler, N.L.L.S., dated June 12, 1991;
 - r. Proposed Dimensions Survey Plan;
 - s. Deed for the Subject Property, dated July 12, 1991 and recorded in the Hunterdon County Clerk's office on July 18, 1991 in Deed Book 2059, Page 888;
 - t. Deed for the Subject Property, dated January 23, 1953 and recorded in the Hunterdon County Clerk's office in Deed Book 526, Page 7;
 - u. Proposed notice letter to neighbors;
 - v. List of materials for proposed improvements;
 - w. Architectural Drawings of the existing and proposed improvements, consisting of four sheets, as follows:
 - i. Elevations;
 - ii. Foundation Plan;
 - iii. First Floor Plan; and
 - iv. Section Detail;
2. Holland Township Board of Adjustment Engineer's completeness review letter dated August 6, 2018;

3. Holland Township Board of Adjustment Planner's review memorandum dated August 20, 2018;
4. Proof of Service / Publication Package including Affidavit of Publication dated August 14, 2018 evidencing an August 9, 2018 publication in the *Hunterdon County Democrat*;

WHEREAS, the Applicants having satisfied all jurisdictional requirements and the Board having jurisdiction to proceed, a public hearing was held on the Application on August 29, 2018;

WHEREAS, all jurisdictional requirements have been satisfied by the Applicants;

WHEREAS, the Board of Adjustment of Holland Township having reviewed the Application submitted by the Applicants, and the Board having heard and considered the evidence and testimony given by the Applicants, and members of the public in attendance, and the Board having heard from the Township's professionals, Robert Martucci, P.E., Marcia Shiffman, A.I.C.P., P.P., and David R. Pierce, Esq., with respect to the Application, the Board makes the following findings of fact:

1. The Board has jurisdiction to proceed as all necessary notices were served and published in accordance with law;
2. All taxes for the Subject Property have been paid;
3. Application fees were paid and review escrows established;
4. The Applicants, as the Owners of the Subject Property, were authorized to seek the relief herein requested;
5. The Application has been deemed complete;
6. Charles Tirrell, after being duly sworn according to law, testified during the hearing, and which testimony is part of the record in this matter, that:
 - A. The Tirrells are the owner of the subject Property, having purchased it in 1991.
 - B. The existing dwelling was built in the early to mid-1940s and is a pre-existing, non-conforming structure in that it does not meet the following bulk requirements of the R-1 zone:
 1. Front yard setback – 50 feet is required, existing set back is 30 feet 2.25 inches;
 2. Lot size – 1 acre is required, 0.56 acres is provided;
 3. Lot depth – 150 feet is required, 140 feet is provided;
 4. Side yard setback – 25 feet is required, 23 feet 8.5 inches is provided

on the eastern side yard.

C. The current porch is too small for practical use. It is so small that if two people sit on the porch, when one wants to go inside, the other has to stand up and move so that the door can be opened.

D. Applicants propose to construct an addition to the porch on the front and side of the house. The Applicants also proposed to construct a new deck to the side and rear of the house. Both the new porch area and the deck will be covered, but will not be usable as living space.

E. The construction of the addition to the porch requires a variance because it will increase the encroachment into the front yard setback by 5 feet 6 inches and the resulting front yard setback will be 24 feet 9.25 inches.

F. The porch proposed by the Applicant would be consistent with other porches and dwellings located in the surrounding neighborhood and will bring the existing dwelling into greater conformity with the surrounding homes.

G. On most if not all of the other lots in the surrounding area the dwellings are located close to the road and appear to encroach into the front yard setback.

7. No testimony was presented in opposition to the Application.

WHEREAS, the Board of Adjustment of Holland Township, having reviewed the Application submitted by the Applicants, and having heard and considered the evidence and testimony given by the Applicants, and having heard from its own professionals with respect to the Application, hereby makes the following **Conclusions of Law**:

1. The Board of Adjustment of Holland Township has jurisdiction in this matter with all required parties having been properly noticed in accordance with law.
2. The existing dwelling situated on the Subject Property constitutes a lawfully pre-existing, non-conforming structure.
3. Section 100-46 of the Holland township Code provides that the applicable front yard setback for the Subject Property is 50 feet.
4. “C” **Variance**: N.J.S.A. 40:55D-70c, and specifically, N.J.S.A. 40:55D-70c(1) and (2), establishes the Applicants’ burden with respect to satisfying both the positive and the negative criteria attendant to this Application. To satisfy the “positive” criteria, the Applicants must demonstrate either that: a) there is a hardship or practical difficulty to the developer in complying with a standard in the ordinance

due to the exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic conditions or physical features uniquely affecting a specific piece of property , or some other extraordinary or exceptional situation uniquely affecting the property itself or the structures lawfully existing upon it; or b) the granting of the variance would promote some purpose of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the benefits of approving the variance would substantially outweigh any detriment.

5. **The Positive Criteria / Promote Purposes of Zoning :** The Board found as a matter of law that, provided the conditions imposed are complied with, the proposed addition promotes purpose “a” of the Municipal Land Use Law by promoting the public health, safety morals and general welfare and will make the existing dwelling more compatible with the neighborhood.
6. **The Negative Criteria / Substantial Detriment to the Public Good:** The Board finds as a matter of law that the proposed construction of a porch at the Subject Property will not result in any substantial detriment to the public good because it will be in conformity with the existing neighborhood.
7. **The Negative Criteria/Substantial Impairment of Intent and Purpose of the Zone Plan and Zoning Ordinance:** The Board finds as a matter of law that the granting of the requested variances will not substantially impair the intent and purpose of the zone plan and Land Use Ordinance of Holland Township. The zoning ordinance provides for the relaxation of the front yard setback on the R-1 zone district by allowing a reduction in the required front yard setback to the average front yard setback existing on other lots in the neighboring area. Based upon a review of an aerial photograph of the neighborhood, the proposed front yard setback appears to be nearly equal to the existing front yard setback on surrounding properties. As a result of the foregoing, there is little potential for the grant of the proposed variance to impair the intent and purpose of the zone plan and zoning ordinance.
8. **Weighing the Benefits Against the Detriments** The benefit resulting from the approval of the application, specifically, the enhancement of the existing dwelling’s compatibility with the other dwellings in the area, clearly outweighs any potentially

negative impact on Holland Township, although no substantial negative impact was noted by the Board.

WHEREAS, on August 29, 2018, the Board of Adjustment of Holland Township voted with respect to the Application and the attendant requested relief as follows:

1. TO GRANT THE FOLLOWING:

A. Variance pursuant to N.J.S.A. 40:55d-70c(2) Section 100-46 of the Land Use Ordinance to permit the construction of a covered porch on the front and side of the existing dwelling situated on the Subject Property, in accordance with the Exhibits, submissions and testimony presented on the record at the hearing resulting in a front yard setback of 24 feet, 9.25 inches.

2. SPECIFICALLY CONDITIONED UPON THE FOLLOWING:

A. Prior to the start of construction:

- 1) The applicant shall pay all required review, inspection fees, and professional fees to the Township of Holland prior to the issuance of a building permit;
- 2) All permits shall have been issued by the Township Construction Official for all items under his jurisdiction;

C. The Applicants shall submit as-built plan after completion of the construction;

D. This approval shall be subject to all State, County and Township statutes, ordinances, rules and regulations affecting development in the Township, County and State;

E. The approval herein memorialized shall not constitute, nor be construed to constitute any approval, direct or indirect, of any aspect of the site plan, or of the proposed improvements which is subject to the jurisdiction of any third party agencies and require review and approval(s) by any third party agencies;

F. Applicants shall apply for and obtain any and all Township, County, State and Federal permits as may be required for any aspect of the construction as contemplated by this Application;

G. Applicants shall comply with all other applicable rules, regulations and ordinances of the Township of Holland, the effect of this decision being

merely to relax the zoning requirements and restrictions to the specific extent forth herein;

- H. The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent same are not inconsistent with the approvals, terms and conditions set forth herein;
- I. The variance relief granted herein shall expire unless such construction or alteration permitted by the variance relief has been completed within twelve (12) months from the date of this Resolution;
- J. That Applicants shall pay all outstanding and /or required review, inspection, and professional escrow fees to the Township of Holland. Neither the Board nor its employees or professionals shall perform any service in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The Applicants shall be under a continuing duty to maintain a positive balance in all accounts until all conditions of this Resolution have been satisfied and all charges have been paid;
- K. All performance requirements as set forth in the findings of fact herein shall be satisfied by the Applicants as a condition of this approval whether or not repeated at length as conditions in this section of the Resolution; and
- L. The terms and conditions of this approval shall be binding upon the Applicants, and the Applicants' successors in interest and assigns. Further, each of the terms and conditions of this approval are material elements of the approval based upon the submission of the Application and the Subject Property in its entirety, and the non-compliance with any term or condition by the Applicants or their successors or assigns shall be deemed a material default subjecting the Application to revocation of this approval. The request to change any single condition, since all conditions are integrally related, shall cause the entire Application to the Board of Adjustment to be reopened for re-consideration and possible re-approval subject to new terms and conditions in addition to those terms and conditions presently existing in this approval.

ROLL CALL VOTE

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Jerry Bowers	X		X			
Ginger Crawford						X
Bill Ethem			X			
Peter Kanakaris		X	X			
William Martin			X			
Gail Rader			X			

Motion Carried By Vote of: Five Ayes to Zero Nays

THIS RESOLUTION OF THE BOARD IS ADOPTED ON SEPTEMBER 26, 2018

ROLL CALL VOTE

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Jerry Bowers						
Ginger Crawford						X
Bill Ethem						
Peter Kanakaris						
William Martin						
Gail Rader						

Motion Carried By Vote of:

ATTEST:

 Maria Elena Jennette Kozak, Secretary
 Township of Holland Board of Adjustment

 William Martin , Chairman
 Township of Holland Board of Adjustment

RESOLUTION 2018-004

**THE ZONING BOARD OF ADJUSTMENT
 OF THE TOWNSHIP OF HOLLAND**

**RESOLUTION APPROVING THE APPLICATION
 FOR A FRONT YARD SETBACK VARIANCE FOR BLOCK 8, LOT 2,
 LOCATED ON 3 UPPER OAK LANE,
 BY APPLICANT, CHARLES AND BARBARA TIRRELL**

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WHEREAS, The Subject Property is situated in Holland Township’s Residential “R-1” zone;

WHEREAS, the application, undated, was filed on or about July 31, 2018 (the “Application”);

WHEREAS, the Applicants propose to construct an addition to the existing porch , consisting of a covered porch extension on the front and side of the existing dwelling and a covered deck on the side and rear of the existing dwelling situated on the Subject Property;

WHEREAS, the Applicants seek the following relief from the Township of Holland Land Use Ordinance:

1. Variance relief under N.J.S.A. 40:55D-70c(2) from Section 100-46, the requirement to provide a front yard setback of 50 feet; and
2. Such other variance relief as may be determined to be required to permit the proposed project.

WHEREAS, the current Application was the subject of a completeness hearing on Wednesday, August 29, 2018, at which time the Board, on recommendation of the Board Engineer, deemed the Application complete;

WHEREAS, the following documents were submitted with regard to the application, are on file with the Board, and are part of the record in this matter:

5. Application for Variance Relief , undated, and filed on July 31, 2018, including the following:
 - a. Survey Plan - Proposed Addition & Alteration for the Subject Property, prepared by Ralph L. Finelli, architect;
 - b. Site Walk Authorization;
 - c. Escrow Replenishment Agreement;
 - d. Certification that the subject Property is located within the Boundaries of the Highland Preservation Area;
 - e. Fee Calculation Form;
 - f. IRS Form W-9;
 - g. Photographs of the current dwelling;
 - h. Certification of ownership;
 - i. Historical photographs of the Subject Property;
 - j. Photographs of the view from the Subject Property;
 - k. Tax Collector's Certified List of Property Owners;
 - l. Correspondence dated July 26, 2018, from Lawrence D. Creveling, Holland Township Zoning Officer denying Applicants' requested relief;
 - m. Holland Township Tax Collector's "Certification of Paid Taxes" dated July 26,

2018, referencing the Subject Property's current property tax status;

- n. Section "H" Checklist for Determining Completeness;
 - o. Tax Department Holland Township Information Sheet for the Subject Property;
 - p. Summary for Zoning Variance application;
 - q. Plan of Survey prepared by William J. Butler, N.L.L.S., dated June 12, 1991;
 - r. Proposed Dimensions Survey Plan;
 - s. Deed for the Subject Property, dated July 12, 1991 and recorded in the Hunterdon County Clerk's office on July 18, 1991 in Deed Book 2059, Page 888;
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 - u. Proposed notice letter to neighbors;
 - v. List of materials for proposed improvements;
 - w. Architectural Drawings of the existing and proposed improvements, consisting of four sheets, as follows:
 - i. Elevations;
 - ii. Foundation Plan;
 - iii. First Floor Plan; and
 - iv. Section Detail;
6. Holland Township Board of Adjustment Engineer's completeness review letter dated August 6, 2018;
7. Holland Township Board of Adjustment Planner's review memorandum dated August 20, 2018;
8. Proof of Service / Publication Package including Affidavit of Publication dated August 14, 2018 evidencing an August 9, 2018 publication in the *Hunterdon County Democrat*;

WHEREAS, the Applicants having satisfied all jurisdictional requirements and the Board having jurisdiction to proceed, a public hearing was held on the Application on August 29, 2018;

WHEREAS, all jurisdictional requirements have been satisfied by the Applicants;

WHEREAS, the Board of Adjustment of Holland Township having reviewed the Application submitted by the Applicants, and the Board having heard and considered the evidence and testimony given by the Applicants, and members of the public in attendance, and the Board having heard from the Township's professionals, Robert Martucci, P.E., Marcia Shiffman, A.I.C.P.,

P.P., and David R. Pierce, Esq., with respect to the Application, the Board makes the following findings of fact:

1. The Board has jurisdiction to proceed as all necessary notices were served and published in accordance with law;
2. All taxes for the Subject Property have been paid;
3. Application fees were paid and review escrows established;
4. The Applicants, as the Owners of the Subject Property, were authorized to seek the relief herein requested;
5. The Application has been deemed complete;
6. Charles Tirrell, after being duly sworn according to law, testified during the hearing, and which testimony is part of the record in this matter, that:
 - A. The Tirrells are the owner of the subject Property, having purchased it in 1991.
 - B. The existing dwelling was built in the early to mid-1940s and is a pre-existing, non-conforming structure in that it does not meet the following bulk requirements of the R-1 zone:
 1. Front yard setback – 50 feet is required, existing set back is 30 feet 2.25 inches;
 2. Lot size – 1 acre is required, 0.56 acres is provided;
 3. Lot depth – 150 feet is required, 140 feet is provided;
 4. Side yard setback – 25 feet is required, 23 feet 8.5 inches is provided on the eastern side yard.
 - C. The current porch is too small for practical use. It is so small that if two people sit on the porch, when one wants to go inside, the other has to stand up and move so that the door can be opened.
 - D. Applicants propose to construct an addition to the porch on the front and side of the house. The Applicants also proposed to construct a new deck to the side and rear of the house. Both the new porch area and the deck will be covered, but will not be usable as living space.
 - E. The construction of the addition to the porch requires a variance because it will increase the encroachment into the front yard setback by 6 feet and the resulting front yard setback will be 24 feet 3.25 inches.

F. The porch proposed by the Applicant would be consistent with other porches and dwellings located in the surrounding neighborhood and will bring the existing dwelling into greater conformity with the surrounding homes.

G. On most if not all of the other lots in the surrounding area the dwellings are located close to the road and appear to encroach into the front yard setback.

7. No testimony was presented in opposition to the Application.

WHEREAS, the Board of Adjustment of Holland Township, having reviewed the Application submitted by the Applicants, and having heard and considered the evidence and testimony given by the Applicants, and having heard from its own professionals with respect to the Application, hereby makes the following **Conclusions of Law**:

1. The Board of Adjustment of Holland Township has jurisdiction in this matter with all required parties having been properly noticed in accordance with law.
2. The existing dwelling situated on the Subject Property constitutes a lawfully pre-existing, non-conforming structure.
3. Section 100-46 of the Holland township Code provides that the applicable front yard setback for the Subject Property is 50 feet.
4. **“C” Variance:** N.J.S.A. 40:55D-70c, and specifically, N.J.S.A. 40:55D-70c(1) and (2), establishes the Applicants’ burden with respect to satisfying both the positive and the negative criteria attendant to this Application. To satisfy the “positive” criteria, the Applicants must demonstrate either that: a) there is a hardship or practical difficulty to the developer in complying with a standard in the ordinance due to the exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic conditions or physical features uniquely affecting a specific piece of property , or some other extraordinary or exceptional situation uniquely affecting the property itself or the structures lawfully existing upon it; or b) the granting of the variance would promote some purpose of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the benefits of approving the variance would substantially outweigh any detriment.
5. **The Positive Criteria / Promote Purposes of Zoning :** The Board found as a matter of law that, provided the conditions imposed are complied with, the proposed addition promotes purpose “a” of the Municipal Land Use Law by promoting the

public health, safety morals and general welfare and will make the existing dwelling more compatible with the neighborhood.

6. **The Negative Criteria / Substantial Detriment to the Public Good:** The Board finds as a matter of law that the proposed construction of a porch at the Subject Property will not result in any substantial detriment to the public good because it will be in conformity with the existing neighborhood.
7. **The Negative Criteria/Substantial Impairment of Intent and Purpose of the Zone Plan and Zoning Ordinance:** The Board finds as a matter of law that the granting of the requested variances will not substantially impair the intent and purpose of the zone plan and Land Use Ordinance of Holland Township. The zoning ordinance provides for the relaxation of the front yard setback on the R-1 zone district by allowing a reduction in the required front yard setback to the average front yard setback existing on other lots in the neighboring area. Based upon a review of an aerial photograph of the neighborhood, the proposed front yard setback appears to be nearly equal to the existing front yard setback on surrounding properties. As a result of the foregoing, there is little potential for the grant of the proposed variance to impair the intent and purpose of the zone plan and zoning ordinance.
8. **Weighing the Benefits Against the Detriments** The benefit resulting from the approval of the application, specifically, the enhancement of the existing dwelling's compatibility with the other dwellings in the area, clearly outweighs any potentially negative impact on Holland Township, although no substantial negative impact was noted by the Board.

WHEREAS, on August 29, 2018, the Board of Adjustment of Holland Township voted with respect to the Application and the attendant requested relief as follows:

1. **TO GRANT THE FOLLOWING:**
 - A. Variance pursuant to N.J.S.A. 40:55d-70c(2) Section 100-46 of the Land Use Ordinance to permit the construction of a covered porch on the front and side of the existing dwelling situated on the Subject Property, in accordance with the Exhibits, submissions and testimony presented on the record at the hearing resulting in a front yard setback of 24 feet, 3.25 inches.
2. **SPECIFICALLY CONDITIONED UPON THE FOLLOWING:**

- A. Prior to the start of construction:
 - 1) The applicant shall pay all required review, inspection fees, and professional fees to the Township of Holland prior to the issuance of a building permit;
 - 2) All permits shall have been issued by the Township Construction Official for all items under his jurisdiction;
- C. The Applicants shall submit as-built plan after completion of the construction;
- D. This approval shall be subject to all State, County and Township statutes, ordinances, rules and regulations affecting development in the Township, County and State;
- E. The approval herein memorialized shall not constitute, nor be construed to constitute any approval, direct or indirect, of any aspect of the site plan, or of the proposed improvements which is subject to the jurisdiction of any third party agencies and require review and approval(s) by any third party agencies;
- F. Applicants shall apply for and obtain any and all Township, County, State and Federal permits as may be required for any aspect of the construction as contemplated by this Application;
- G. Applicants shall comply with all other applicable rules, regulations and ordinances of the Township of Holland, the effect of this decision being merely to relax the zoning requirements and restrictions to the specific extent forth herein;
- H. The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent same are not inconsistent with the approvals, terms and conditions set forth herein;
- I. The variance relief granted herein shall expire unless such construction or alteration permitted by the variance relief has been completed within twelve (12) months from the date of this Resolution;
- J. That Applicants shall pay all outstanding and /or required review, inspection, and professional escrow fees to the Township of Holland. Neither the Board nor its employees or professionals shall perform any service in

furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The Applicants shall be under a continuing duty to maintain a positive balance in all accounts until all conditions of this Resolution have been satisfied and all charges have been paid;

K. All performance requirements as set forth in the findings of fact herein shall be satisfied by the Applicants as a condition of this approval whether or not repeated at length as conditions in this section of the Resolution; and

L. The terms and conditions of this approval shall be binding upon the Applicants, and the Applicants' successors in interest and assigns. Further, each of the terms and conditions of this approval are material elements of the approval based upon the submission of the Application and the Subject Property in its entirety, and the non-compliance with any term or condition by the Applicants or their successors or assigns shall be deemed a material default subjecting the Application to revocation of this approval. The request to change any single condition, since all conditions are integrally related, shall cause the entire Application to the Board of Adjustment to be reopened for re-consideration and possible re-approval subject to new terms and conditions in addition to those terms and conditions presently existing in this approval.

ROLL CALL VOTE

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Jerry Bowers	X		X			
Ginger Crawford						X
Bill Ethem			X			
Peter Kanakaris		X	X			
William Martin			X			
Gail Rader			X			

Motion Carried By Vote of: Five Ayes to Zero Nays

THIS RESOLUTION OF THE BOARD IS ADOPTED ON SEPTEMBER 26, 2018

ROLL CALL VOTE

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Jerry Bowers						
Ginger Crawford						X
Bill Ethem						
Peter Kanakaris						
William Martin						
Gail Rader						

Motion Carried By Vote of:

ATTEST:

Maria Elena Jennette Kozak, Secretary
Township of Holland Board of Adjustment

William Martin , Chairman
Township of Holland Board of Adjustment

The board was reminded that the board must remember which they voted on. The application was submitted one way and the plans discussed at the public hearing were slightly different. The professionals had reviewed the plans. The encroachment submitted was five (5) feet six (6) inches and the Architectural revised plans provided an encroachment of six (6) feet. That in summary is the difference between draft resolution 1 and draft resolution 2.

After some discussion the board decided that a six (6) foot encroachment was acceptable. A motion was made by Jerry Bowers and seconded by Peter Kanakaris to memorialize the resolution presented that references a six (6) foot encroachment on page 5 section E. At a roll call vote, all present were in favor of the motion with the exception of Ginger Crawford who abstained. Motion carried.

Old Business

Secretary Kozak is working with Maser Consulting on the revision of the Holland Township Checklists with Engineer Martucci weighing in regarding the Board of Adjustment checklist. The checklists are to be interactive. More information to follow.

New Business:

There was no New Business to be discussed.

Public Comment

There were no Public Comments.

Peter Kanakaris made a motion to adjourn. Motion carried.

Meeting ended at 7:40 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak

Secretary