

March 18, 2004

The regular meeting of the Board of Adjustment of the Township of Chatham, County of Morris, and State of New Jersey commenced at 7:30 p.m., 58 Meyersville Road, Chatham Township. The meeting was called to order by Chairperson, Lawrence Dalziel.

Attendance was taken and the following members were present:

Lawrence Dalziel, Chairperson
Joseph Cooney
Sean Havey
Parker Godwin
Peter Pizzi
Therese Hough
Jesse Benton

The following members were absent:

James Matthews, Vice-Chairperson

Also in attendance:

Lewis Wilson, Esq., Board Attorney
Mary Jo Tucker, Recording Secretary
Marshall Frost, Board Consulting Engineer

The agenda for the evening was as follows: Calendar 03-7-1, Scott De Pace (mem.); Calendar 03-67-14, Donald and Carolyn Degolyer; Calendar 03-90-13, Clark and Andrea Wagner; Calendar 03-88-2, Sheila Collier; Calendar BOA 04-62.05-17 John and Carlene Pruitt

The open public meetings statement was read by the Chairperson

Therese Hough and Jesse Benton were sworn in by the Chairperson as members of the Board of Adjustment by Mr. Wilson. They were welcomed by the Chairman and the Board.

The January 14, 2004 regular meeting minutes were accepted by the Board with changes noted. The Feb. 4 work meeting was accepted by the Board. The Feb. 12 minutes were also accepted by the Board with changes noted (Revised minutes will be submitted for the Board's records.

Calendar 03-7-1, Scott De Pace

Mr. Wilson read the De Pace resolution in full. Some grammatical changes were noted. Mr. Dalziel said that numbers did not match with the newly submitted survey and revised architectural plans that were provided that morning. He said that there were differences in the resolution compared to what was submitted. He said that according to the new plans, the front entrance had been changed so that a dimension of 20 feet noted on the bottom of Page 4 of the resolution was now reflected in the plans as 22 feet. He said that he was concerned with the architectural plan and cited that the dimension shown on the front of the addition including the family room and the garage was 39.6 feet, whereas the dimension shown on A-28 in evidence was 39.0 feet. Mr. De Pace said that he would have the plans redrawn to comply with the resolution. Mr. Dalziel said that he and Mr. Frost concurred that a lot grading plan and survey were required to definitively pin down what the applicant was trying to do. Mr. De Pace said that the plans would be re-submitted. Mr. Dalziel added that the revised plan now showed a full two-story house as opposed to the one and a half story, more of a colonial version versus a cape. Mr. De Pace said that taking from the porch to move from a one and a half story to a colonial two story had been discussed the last two meetings. Other slight changes were noted regarding verbiage of resolution.

A letter was received by the Board by Mr. De Pace requesting that he not submit a lot grading plan. Mr. Cooney said that the variance was granted based upon that condition and as he believed that the lot grading plan should be submitted. Mr. Havey concurred. Mr. Dalziel said that although he was unable to vote, the newly submitted plans before the Board were different than what was in the resolution, and he believed that it was necessary for the De Paces to verify everything that they were planning to do.

Mr. De Pace said that it was his understanding that going through construction a survey would have to be done at some point once the block was completed, and at that point they

would have to conform to the figures needed. Mr. Dalziel said that there was significant discussion regarding drainage issues and location of the driveway with respect to town structures that were not defined on the drawings. He said that it was difficult to find where the building was located based on the work the De Paces had produced. Mr. Havey said that he believed a corrected and revised plan should be submitted before the resolution was voted on. Mr. Dalziel said that the wording in the resolution was that the revised plans would conform to exhibit A-28 in evidence which was the plan that showed 39.0 feet across the top, and that the new plans did not reflect that same number. Mr. De Pace said that he would give the Board what was on A-28. He asked when he went to build would it be necessary that he build the front entrance. Mr. Dalziel said that the front entrance was within their building envelope, but the citing of the dimension was not corresponding.

Mr. Wilson added that both measurements (recently submitted and on A-28) complied with the ordinance. Mr. Dalziel said that he understood that, but he thought that if Mr. De Pace would want to come back at some point in time and build something else on the front of the house, the resolution (if approved) would limit that action. Mr. Frost asked if he was committed to having to build the front entrance. He said that the information contained in the resolution established limits on what could be built. He said that if the applicant did not want to put the front entrance on, that would be fine. If applicant decided to put the entrance on, the applicant could not come any closer to the side yard than 22 ft. Mr. Cooney added that as a covered entrance it was included in the building coverage, and that at 1852 sq. ft., he could not build a bigger front porch without cutting out square footage somewhere else in the house. Mr. De Pace asked if six inches were really important. Mr. Dalziel said that it appeared by the plot plan drawing that the full width of the front of the addition lay outside of the building envelope or inside the setback, so that if it was wider than 39 feet, one of the setback dimensions would have to change. He added that the six inches were not represented.

Mr. Wilson asked that Paragraph 3 be amended with respect to the sideyard setbacks to read to be at least 20 ft., and that change was noted on the resolution. Mr. De Pace asked if on the record it could be said that it was not 39.6 feet but 39 feet so that the resolution could be voted on. Mr. Frost said that one of the primary reasons for the lot grading plan was to have the location of the existing building and location of the proposed addition with specific information involving the covered addition. He said that all the Board had currently was a series of drawings. Mr. Frost said that if one drawing was changed, all the other drawings in theory changed. He said that to solve the problem to protect both Mr. De Pace and his contractor when they began construction, would be submitting a lot grading plan. Mr. De Pace asked didn't the survey answer those questions. Mr. Frost answered that the difference between a lot grading plan and a survey were the contours of the proposed building. He added that other than that, the lot grading plan and the survey were the same. Mr. De Pace said that it was over \$2,000 difference providing a lot grading plan. Mr. Dalziel said that the town would make sure that they complied with the resolution, and that it would be for the applicant's benefit to have a lot grading plan submitted, as well as plans coinciding with what was granted. Mr. De Pace said that plans would be resubmitted.

Mr. Cooney moved that the resolution be approved as amended. Mr. Havey seconded the motion. A vote was taken. All who voted were in favor. The resolution was approved prior to re-submitted plan and suggested lot grading plan submission.

Calendar 03-67-14, Donald and Carolyn Degolyer

Mr. Cooney read the site visit report which had been previously marked. Mr. Rosen, (architect) said that they had submitted new plans but there were no significant changes. Mr. Rosen said that there were two new issues. There were two variances a c variance Citing the variances, he said that there was a c variance and a d variance. He said that the c variance required the majority of those eligible to vote, and the d variance required 5 votes in favor of approval. He asked what the status would be currently for those votes. Mr. Dalziel answered that one member was absent and one of the two new members was unable to listen to the tape (deemed it a blank tape). Mr. Dalziel said that they had five eligible voters. Mr. Rosen said that he understood that they could not have a “practice vote,” but would like an indication of how the Board was leaning in terms of the application.

Mr. Rosen went over the variances requested. Mr. Pizzi asked if the garage was accessed through the backyard. Mr. Rosen answered that it was. Mr. Pizzi asked why the size of the garage was so big. Mr. Rosen answered that the portion above the garage followed the size of the footprint of the space above. He added that they may not end up building that large a space in the garage because of water-proofing etc. He said that basement space would not be compromised, and that the width of proposed was really a product of making the addition look nice and proportional, architecturally.

Mr. Havey asked if they would lose a lot of backyard with the addition of the driveway. Mr. Rosen answered that there was currently lawn area in the backyard which would become driveway, and driveway would be moved. They were also removing an existing detached garage completely non-conforming, in height and setback. He said the removal would permit a better opportunity for landscaping between the house and the driveway and from the driveway to the side property line. He said that they were taking up a portion of the existing backyard for the driveway. Mr. Pizzi asked what type of slope was proposed for the driveway. Mr. Rosen answered that on the Murphy and Hollows drawing, it was indicated that it showed that the low point on the driveway was at a contour of 188, and the highest that currently existed on the property (“a tiny piece”) was 198, so 10 feet would drop from the front of the property as it moved back and went underneath towards the proposed garage. He said that it was an obvious slope and they considered it a better arrangement than what was there currently. Mr. Rosen said that it allowed the DeGolyers to come up to Fairmount Ave. facing the street rather than having to back out which would be a safety improvement. Mr. Pizzi asked if the height of the addition would continue to remain the same. Mr. Rosen answered yes. He said that the ridge would continue straight across to the left. He said that the maximum height of the house was the 39.68 feet which was measured from the lowest point within 15 feet. He said that was not in the area of the addition, but was on the other corner of the existing

part of the house. He said that the proposed height of the building was no worse than what currently existed, and that it was actually a little bit less of an incursion. Mr. Dalziel asked how it was less. Mr. Rosen answered that it was only because the low point was less, and commented that the addition was only slightly less. Mr. Rosen said that they could have avoided the height issue by dropping the roof down and having the ridge for the addition 4 ½ feet lower, but it would have “looked terrible” on the house. He stated that the house was a historical house. He noted that just the front and a little bit of the two sides were visible to the public. He added that the house was a beautiful house as it was, and they wanted to addition to look like an integral part of the house as if it designed with one thought. He said that he recognized that it was difficult to go through the process of getting a variance and the D variance for height exceeding the height ordinance requirement by more than 10 percent put an additional burden on the applicant. He said that he felt that it was worth it to go through that difficulty so that when it was done everyone driving by would be looking at an addition equal to the quality of the original house. Mr. Pizzi asked what would make it a C variance. Mr. Rosen answered that 38.5 feet would be a C variance. He repeated that the only way the public could perceive the actual height would be in the backyard, and that the addition was invisible to the public in the rear.

Mr. Dalziel asked looking at Drawing V-1, was there a possibility that the labeled new porch on the lower left would not be put in. Mr. Rosen said no the porch would remain, but the garage space directly underneath that may not be used as garage space. The garage space may be put under the family room and mudroom instead. Mr. Rosen said that they were not planning to change anything that had to do directly with the variance. Mr. Dalziel said that at the site visit they talked about grading within a certain distance of the lot line. Mr. Rosen answered that he believed staying within 4 feet of the property line was the limitation. He said that the issue was that the existing garage was 3 ½ feet from the property line; the existing grade would be continued straight across, but somewhere dirt would have to be put back in where the garage was. He said when they pull out the garage, the dirt would be put back, but there was a planted area about 7 feet from the side property line and the contours would come straight across for the 4 feet. Mr. Dalziel said that the survey from Murphy and Hollows showed the rear of the garage at 3 feet, and the front of the garage at 3 ½ feet.

Mr. Frost said that the question was would the situation be in violation of the ordinance. Mr. Dalziel asked if there was a waiver or variance required for it. Mr. Frost said he did not believe a variance was needed, but they should make note of it to clarify it. Mr. Dalziel said that the grading plan did show a change of the grading line in that area. Mr. Frost said that the grade was allowed to be changed, but it could not be changed by more than a certain amount. Mr. Dalziel said that he wanted to make sure the applicant was covered and that the issue was addressed. Mr. Rosen said that if the Board wanted to make the approval contingent on those grades extending over for 4 feet so that they were unchanged in the last foot or so, that would be fine. He said that they had no intention of making anything but improvements for adjacent neighbors. He said that currently there was a garage that was 3 ½ feet away that was supposed to be 15 feet away per ordinance, and the applicant was proposing to take the garage down, and that the driveway would be

moved over to provide a slightly larger planted area. Mr. DeGolyer stated that his wife had spoken with Barlett Tree Service regarding the mature tree that was in question. Their opinion was that the tree could be saved. He said that it was talked about at the site visit, and it was the DeGolyer opinion that the tree would need to come down. He added that they were in possession of a letter by Bartlett Tree saying that the tree could be saved. Mr. Rosen said that they had a high level of confidence in Bartlett Tree Service but a somewhat lower level for the excavation. Mr. DeGolyer said the plan was to “try” to save the tree.

Mr. Rosen said that there were two areas that were minor regarding steep slopes. The property was a little over 20,000 sq. ft. The first area was slopes from 0 to 15%, applicant had just over 10,000 sq. ft., a portion was going to be disturbed, but there was no limitation. The second area had only 170 sq. ft. of the area that had 15 to 20%--it was located in the middle of the proposed addition, and essentially the steep slope would just vanish except for a slight piece; 30 percent was allowable which would be 51 sq. ft., but 170 sq. ft. would be disturbed. He said there would be no additional problem in terms of runoff, etc., because the steep slope was located under the addition. The third area (20 to 25 %) had 127 sq. ft. of area on the property off on the far right side of the addition and area far left of the garage; 5 % disturbance was allowable which would be 6 sq. ft., 32 sq. ft. would be disturbed. Much of the disturbance would be due to the removal of the garage, but the area would be restored. He said that the last area (over 25%) was the back half of the property a minor disturbance related to the overflow due to the dry well. He said no variance was required for that. He commented that he did not believe that the disturbances caused any storm runoff issues or aesthetic disturbance on the applicant's property or the neighbors.

The other variances sought were: front yard setback, an existing non-conformance not just with the applicant's house but with all of the houses on that side of the street in that area. The front yard requirement was 50 ft., the entire house was within the front yard setback except for a section of the existing porch; existing was 15 ft. at the furthest front point, the closest part of the addition at 17 ft. He said that he believed that proposed was the best possible addition to the house. He said it was not reasonable to attach anything to the house with any kind of function without asking for a front yard setback variance. He said that the hardship was by reason of exceptional topographic conditions which was why the original building was pushed forward, and by reason of the extraordinary and exceptional situation uniquely affecting the piece of property or structure(s) existing thereon. He said the house was originally positioned on the site and they were putting on an addition to make it feel seamless and integral to the house. The existing house was far closer to the street than the ordinance currently permitted, and the building pre-dated the current ordinance. Mr. Rosen said that he believed the building pre-dated “any” zoning ordinance in Chatham Township. He said that in 1924 when the federal government established a standard ordinance that served as a model for communities throughout the country, the original home was already 90 years old. The front yard setback would remain at 15 ft.

For building coverage, the existing was 2307 sq. ft., allowable 2627 sq. ft., proposed 2802 sq. ft. He said there was a 175 sq. ft. difference. The hardship was that it was an existing historic house which included a front porch of 166 sq. ft., a back porch of 410 sq. ft., and an additional porch would be added at 128 sq. ft. Combined that square footage would be 704 sq. ft. If the house were designed from scratch on the property, a variance would not be needed. Also a height variance or front yard setback would not be needed, but it was not going to be designed from scratch, and an addition was proposed sensitive and proportional to the existing house. He added that he believed it was the right thing to do for this historic building. He said that it would be possible to remove the back porch, because that was a space that pre-dated air-conditioning, and that was used as a "comfort" place in the summer, but added it would be inappropriate in his opinion. He felt that it was "a fine part" of the building, and that even if it was taken off, no one would be able to view it. He said that the front porch would remain. The third porch of 128 sq. ft. would be added complementing the existing model of the house. Mr. DeGolyer said that essentially the third porch would balance the back and front porches with the addition. Mr. Rosen added that although the house exceeded the statistic of setback requirements, there was no practical way of knowing whether the house required a variance without having a property survey and doing the calculations. He said that there were woods going for a very long distance to the right. He said that the lawn area already extended into some of the woods. He repeated that the hardship was that they were trying to accommodate the historical structure that was lawfully existing on the property.

He said that the height issue was an existing non-conformance. The hardship was the existing structure and the unusual steepness of the topography which caused the whole back of the house to be fully exposed at the basement level continuing to drop off behind. He added that the existing height at the front of the house was 28.4 feet. The proposed would be keeping the ridge the same level but the ground dropped off to the left side, maximum at the front would be 30 feet which is what the public would perceive. 39.68 would be in the rear which was hard to perceive. He believed that a significant improvement would be made to the neighbor to the left of the house by removing the garage. He said they would maintain the roof height in terms of special reasons: the promotion of a desirable and visual environment, and the conservation of a historic site, by adding an addition that would be integral to the house unlike the flat roofed previous addition to the house that was proposed to be removed. He said that the height was a D variance due to revisions of the MLUL that occurred in 1991. He said that he could not imagine any detriment to the public good that could arise from the construction of the addition. He said that the hardship was created by the steepness of the height, the presence of the historic structure and the promotion of the desire to design it so that it looked right on the house, eliminated any negative aspects. He added again that the height would not be evident to any neighbors or to the public other than the one adjacent neighbor. He said regarding special reasons, they would be promoting public health safety and general welfare and safety from fire. He said they were installing smoke and carbon monoxide detectors in the home as required by the current building code, providing egress windows that did not currently exist for safety in event of fire, providing a second means of egress by a stair getting out of the upper floors, and they were

providing code-required fire separations between the garage and the house. He said that he felt that they met the special reasons requirement.

Mr. Dalziel asked regarding safety what the distance was to the second floor windows from the grade in the back. Mr. Rosen answered, that to the windowsills it was about 20 feet. Mr. Pizzi asked what was described as historic regarding the MLUL. Mr. Rosen said that it was considered it was not considered historic under the Secretary of the Interior Historic Preservation usually up to 50 years. After 50 years, it would be considered. Mr. Rosen said that as far as he knew the house was not registered with the National Historic Trust. Mr. DeGolyer said that it had been suggested that they register. He said that Chatham Township residents considered it historic and people remembered it as the "old nursery school." Mr. Dalziel asked if any design studies were done to put the addition in some other arrangement on the house to reduce the coverage or front yard issues. Mr. Rosen said that they looked at many options, more options than usual, and he stated that none of the variances were eliminated with any design. He said other options were less appropriate and did not move with the flow of the house or the historical design. He added that because they were on Fairmount Ave., they packed all of the small spaces where the inhabitants would not spend a lot of time in the front of the house; main living spaces and bedrooms were oriented towards the backyard. He added that the option and design were in his opinion the best possible choice.

There were no questions from the public. Mr. Rosen asked if any of the Board members had a concern. Mr. Wilson commented that the concern regarding the height exceeding the 10% was not an issue of whether it was visible but also a safety issue to firefighting capabilities. Mr. Rosen said that second stair would be provided along with egress windows and smoke detectors, and he felt that what was proposed would make the home safer. He also stated that there was no habitable space in the attic. Mr. Godwin asked if all of the bedrooms' were in the back. Mr. Rosen answered yes, and they were 20 feet from the windows to the ground. Mr. Wilson asked if there was future intention to use the space in the attic. Mr. Rosen answered no. Mr. Wilson asked which of the safety features that Mr. Rosen had mentioned were not required by code. Mr. Rosen answered that the second stair was not required by code. Mr. Wilson asked if the applicant would consider it that the resolution would stipulate that the attic could not be used for habitable space or as a third floor. Mr. Rosen said they had no problem with that inclusion in the resolution.

Mr. Dalziel said his only concern was a coverage issue, but that the options were looked at, and he believed the architect did a nice job with the design. Mr. Pizzi commented that the removal of the garage ameliorated the affect of the other variances sought. He felt that the continuation of the height with the addition made sense, and it was not an intrusion into the maximum height issue. Mrs. Hough concurred with Mr. Pizzi. No other members had objections to the variance, and thought that a vote should be taken.

Mr. Pizzi moved that the application be accepted with the condition of the attic area be deemed as inhabitable space on the resolution. Mr. Havey seconded the motion. A vote was taken. All who voted were in favor (5 members), and the application was approved.

A short break was taken at this time.

Calendar 03-90-13, Clark and Andrea Wagner

A site visit report was read by Mr. Cooney and had been previous marked into record as A-21.

Ms. Kimberly Tone (architect, Rosen Group) said they had submitted revised plans and amended the application to include the dimensions for the existing shed with a setback of 2 ½ feet from the back property line including other new information which were the leader drains requested by Mr. Frost as well as the existing elevations. Mr. Dalziel asked if there were any other changes. Ms. Tone answered there were none. Mr. Dalziel asked if Mr. Frost had any questions. **Mr. Frost said that he had seen the house (unintelligible).** Ms. Tone said she believed the existing on the side of the proposed addition, the existing leader drain went to the street, and that it functioned properly. She said that there was another leader drain on the adjacent house (**could not be heard**).

There is a large hum on the tape at this point, difficult to hear speakers

Ms. Tone continued to speak on the drainage issue. Mr. Frost and Ms. Tone's interchange cannot be recorded at this point.

Ms. Tone referring to Mr. Frost's comments said that however they handled the water issue it would be so that it did not affect the neighbor(s). Mr. Frost asked if she had a problem submitting a proposal as to how they would deal with leader drains at time of construction. **Comments regarding drainage unintelligible.** Mr. Frost said that he would like a drainage proposal that Mr. Bennett could look at and maintain that made sense.

Mr. Dalziel said that he noticed that the new plans had B-1 through B-5 and that previously submitted plans included a B-6. Ms. Tone answered that B-6 with the elevations has the same elevations on B-1 so there was no need for B-6.

There were no more questions from the Board.

Mr. Adolph Austin, 11 Fairfax Terrace, told the Board that he was concerned about drainage. Much of the excess rainwater from the applicant's property was channeled between the two houses. Two or three times a year the water rose in the channel and came within two feet of the houses. He said that the closest distance in the channel was now approximately 21 feet, but with the new addition, it would be down to 17 or 18 feet, and he was concerned about flooding for both homes' basements. He asked that as the Wagner project moved forward, that the Township's engineering dept. advise the builders about the situation.

Mr. Dalziel asked where the channel was located. Mr. Austin answered it was between his house and the applicant's.

Mr. Dalziel asked where the additional leaders would go. Ms. Tone answered that the existing leaders went into an underground pipe that drained either to their front yard or into the street. She said that she assumed that the proposed leaders would be the same. Ms. Tone said that the addition on that side of the property line would be one foot closer to the property line so it would not be reducing the space between the houses. Mr. Dalziel asked if there was a proposed basement under the addition. Ms. Tone answered no.

Janet Austin, 11 Fairfax Terrace, commented that there was a point of the Wagner's house that was 16 feet from their property line, but the addition would come out past that part, so there would probably only be 15 feet between houses and that would substantially change the distance between the two houses. Mr. Dalziel asked Mrs. Austin if she knew how close her house was to the Wagners at the closest point. Mr. Austin (her husband) answered that his house was 2 feet from the property line. Ms. Tone pointed out where that 2 feet was located. Mr. Dalziel asked if the distance between the Wagner home and the Austins were measured today, how much closer would the proposed addition be. Ms. Tone answered they were moving one foot closer to the Wagner's property line.

Ms. Tone said she tried to keep the variances to a minimum to make the project work. She said that the side yard setback went to the 15 foot line primarily to make a larger bathroom on the second floor. She said that they kept the size of the addition to what it was so that it would appear unified with the existing structure. Mr. Pizzi commented that at the left hand side of the house they were within the setback. Mr. Pizzi said that so often they have homes coming in building everything up above the garage, and that the applicant was not doing that, they were putting in a two car garage and keeping the home at 1 ½ stories, and he thought that the scale of what was being done was modest. Mr. Dalziel asked if they intended to change the back patio. Mr. Wagner answered that they did not. Mr. Dalziel said that the existing patio, although it was not scaled or dimensioned on the plan, appeared to be within the setback required for a patio. He said that the patio appeared to be close to the rear yard setback. Mr. Wilson said it could be left alone or sanctioned on the resolution if approved. Mr. Wilson asked what the setback was for the patio. Ms. Tone answered that it was 31 feet. Mr. Wilson said that the dimensions of the patio also needed be added to the resolution. Mr. Pizzi moved that the application be approved including the addition of the patio on the plans. Mr. Godwin seconded the motion.

Calendar 03-88-2, Colby and Sheila Collier

Colby and Sheila Collier were sworn in by the chairperson and introduced themselves to the Board. Mr. Dalziel explained the requirements for a site visit to the applicant. Mr. Collier said that they were requesting a variance for principal structure coverage which would permit them to construct an addition to the existing facility allowing them to

expand an existing room for the purpose of converting that room into a master bedroom. The master bedroom would include a bathroom, a walk-closet and a small linen closet. Additionally, the construction of the addition would permit the applicant to make the back of the house accessible. As a result of the needs of a growing and maturing family, a third bathroom was required. Currently Mr. and Mrs. Collier occupied a bedroom on the first floor, the bathroom located down the hallway also accessible to the living room, dining room, and the stairs from the upper level so there was considerable traffic. The family room and kitchen shared the bathroom prohibiting privacy from regular bath activities particularly in the morning. Mr. Collier said that their parents were aging and would travel to visit staying for a number of days at a time, whereas they would offer their bedroom adverse to them climbing the stairs. Mrs. Collier said that they had lived in the home for 12 years and had done a lot of home improvements. They needed space to be able to close the door to take a shower without friends and family coming in inadvertently. She added that what was in the place of where the addition would be was a “not so attractive” dog run. Mr. Dalziel commented that there was no set of second floor plans, and asked what was on that floor. Mr. Collier answered that there was no second floor, but a cathedral ceiling on the first. Mr. Dalziel said he saw a second floor. Mrs. Collier said that it was an attic. Mr. Collier said there would be no addition to the second floor area. Mr. Pizzi asked when the house was built. Mrs. Collier answered that it was built in the 1970s, and that they had two children. Mr. Dalziel asked what “relocated bedroom” on the plans meant. Mrs. Collier answered that they were moving from the front existing bedroom to a back room which currently held a small office. Mr. Dalziel asked if the deck was existing. Mrs. Collier answered that it was. There were no further questions.

A site visit will be held on April 3 at 9:00 a.m.

Calendar BOA 04-62.05-17 John and Carlene Pruitt

Mr. Benton recused himself from the hearing. Mrs. Carlene Pruitt and Mr. Stephen Majewski, architect, were sworn in by the chairperson. Mr. Majewski was accepted as an expert witness by the Board. Mrs. Pruitt said she and her husband had lived in the same house in Chatham for 8 years. They now have three children; when then moved in they had no children. They were outgrowing their kitchen, and would like to expand. She said that their plans were conservative and they just needed a larger kitchen area to allow cabinet space, storage and a larger eating area. They also wanted to ease some of the congestion in the mudroom area. They contacted their contractor, and once the floor plans were configured, they were informed that they had an issue with one of their setbacks due to the configuration of their property. The lot at 27607 sq. ft; was not a conventional lot, and there was a severe angle which decreased the amount of allowable building area.

Mr. Majewski said that they were working with a slightly old survey that was hand-drawn, and when they were proposing to do the addition they decided to have the lot surveyed officially and found that they were slightly encroaching the rear setback. The other side yard on the corner lot is a side yard on the lot which only had to be at 15 feet

whereas the rear yard needed to be 50 feet per ordinance. He said that the hardship was created by the lot configuration itself. It was an oversized lot at 27600 sq. feet, where only 20,000 were required. He said that it was not even a “traditional” corner lot. Instead of a 90 degree turn it had a severe angle that actually decreased the amount of building envelope. He showed the building area to the Board and said that it was 4737 sq. ft. which was only 16 percent of the lot, and that would be the area where they were allowed to place the building. He showed where the intrusion of the addition would be and said that it was only a small corner, not even the entire length of the addition. Mr. Majewski said that they tried to design the addition so that it avoided the requirement of a variance, and found that they could not “shrink” the addition towards the house and be able to keep enough cabinet space and a proper eating area. A-20 was entered into evidence as a photo board depicting the existing kitchen. The photos showed the lack of space around the eating area, and insufficient cabinet space. Mrs. Pruitt pointed out that when the refrigerator door was open, people could not get into the kitchen. Mr. Majewski pointed out on the plans the existing table area. He showed the Board the proposed kitchen addition on the plans and the expanded cabinetry. He said that they experimented with moving a wall towards the dining room windows, but it did not change the addition significantly enough to pull it closer to the house. He said that the depth was established by pushing the eating area towards the outside wall and gaining cabinet space. He said that the setback line of the required 50 feet cut through a triangle that was approximately 2 ft. by 3 ft. on the corner of the addition. He said that also extended into the basement area because there was a southern drop to where the door was exiting the basement in that location. Mr. Majewski said that the rest of the basement was underground. He said the hardship could be seen on the building envelope. He said that the applicant could not build in the front yard of the lot. Illustrated plot plans were marked into exhibit as A-21. He said that the A-21 demonstrated a conforming lot at 27,000 sq. ft which was the minimum lot size for the zone. He said the first example on A-21 was a 27,000 sq. ft. lot that had 100 ft. front yard width. He said the zoning law required 90 ft. but the Pruitt’s house illustrated on the plot plan was short of 70 ft. wide along with a 15 ft. side yard and another 15 ft. side yard achieving the 100 ft. wide lot. They had a 100 ft. wide lot, 200 ft. deep achieving the 27,000 sq. ft. for the zone. He showed the Board the minimum front yard setback of 50 ft. He showed the Board the minimum rear setback requirement of 50 ft. for the zone. He showed where the house could be located in the lot as long as coverage was met. He said that they did not require variances for lot coverage and building coverage. He said that if they put the building in on a standard 27,000 sq. ft., they would have a leftover area to put the building in of just over 7,000 sq. ft. He said that the Pruitt’s lot, the challenge of building it, was they only had 4700 sq. ft. He showed drawings of what the building envelope would be if they had a 27,750 sq. ft. lot which reflected the Pruitt’s lot size. One example showed 150 ft. wide, by 184.4 ft on a conforming lot. The building envelope in that example would allow 8854 sq. ft.

Mr. Majewski said that they discovered by having a standard rectangular lot, the building envelopes to be able to locate the building in were significantly larger than the actual one that they had at the applicants. He said that A-21 demonstrated the hardship of locating the addition. He said that it was also a pre-existing house that was built in conformance

with front yard setbacks. He said that one side was 54.6 ft existing that at the other corner was even more footage. He added that if the house were built four feet closer to the front they would be in compliance. He said that they were trying to fit in an addition that worked with the architecture of the house. He also stated that it was a one story addition. He said that primarily they were covering the existing backyard patio. He said that there was a small planting area.

Mr. Dalziel asked if Mr. Majewski and the applicant had studied configurations of the kitchen complying with the setback. Mr. Majewski said that the configurations were unsuccessful because of the location and design of the dining room windows. If the addition was shrunk, it would change the available space for the cabinetry significantly. Mrs. Pruitt said that it would also present problems for the kitchen table spacing. Mr. Dalziel asked if they had given consideration to shifting the kitchen to the right. Mr. Majewski answered that the nature of where the garage doors were located prevented them for shifting significantly enough to the right to get the one corner to comply. Mr. Frost asked the applicant a question regarding the patio area (unintelligible). Mrs. Pruitt answered that they were not expanding the patio area. Mr. Majewski said that they would not expand the patio because there was a tree in that area that would interfere. Mr. Frost said looking at the drawing if he interpreted it correctly, it looked like a big wall built on a curve being relocated. Mr. Majewski said that was correct. Mr. Frost said that certain dimensions had to be put on the plan (unintelligible) . Mr. Majewski said that the area that Mr. Frost was referring to was approximately 50 ft. wide. He said that the area that Mr. Frost was talking about was an error. Mr. Dalziel asked what the nature of the existing low timber was on the plans. Mrs. Pruitt said that they were put in by the previous owners and that they were railroad ties. Mr. Majewski in reference to one of Mr. Frost's questions said measuring to the engineer's one retaining wall that related to the house that Mr. Frost was referring to was about 35 feet. He said there was also a set of stairs that went to the lower level; they were landscaped stairs about 31 feet. He said that was not considered a patio area. Mr. Frost asked that dimensions be put on the existing plans for the setbacks of the various components of the rear yard. There were no more questions.

A site visit will be held April 3.

The next regular meeting of the Board of Adjustment will be held