

**CITY OF PLAINFIELD
ZONING BOARD OF ADJUSTMENT
RESOLUTION OF FINDINGS AND CONCLUSIONS**

Application No. ZBA 2021-35

WHEREAS, by Application No. ZBA 2021-35, **MARITZA BRACKMAN**, the owner of the property located at 1110-1116 Myrtle Avenue, also known as Lot 4 in Block 222, requests preliminary and final site plan approval; a (d)(1) use variance; confirmation of existing bulk variance conditions related to: maximum number of stories, maximum building height and lot coverage; together with supplemental zone variances and design waivers for the purpose of using the existing structure on the property as a five-unit, multifamily dwelling; and

WHEREAS, meetings were conducted on **March 2, 2022; and June 1, 2022;** and

WHEREAS, the following members of the City of Plainfield Zoning Board of Adjustment heard the testimony and read the documents submitted:

Chairman Alejandro Ruiz
Ms. Nancy Gerald
Ms. Nancy Jordan
Ms. Jean Rawls
Mr. Ryan Sears
Mr. James Spear

and

WHEREAS, at said meetings all those who desired to be heard were heard, and the testimony was recorded by the Zoning Board of Adjustment of the City of Plainfield; and

WHEREAS, the testimony was carefully considered and the following findings of fact were made:

FINDINGS OF FACT

1. Applicant is the owner of the property located at 1110-1116 Myrtle Avenue, also known as Lot 4 in Block 222 on the Tax Map of the City of Plainfield (hereinafter the "Subject Property").

2. The Subject Property 98 feet of frontage on Myrtle Avenue; a lot depth of 350.1 feet; and an area of 32,620.9 square feet (“SF”). It is currently improved with a three-story frame dwelling with a footprint of approximately 1,875 SF, as well as a stone driveway and parking area; and detached frame garage. The Subject Property is located within the Moderate Density Residential (R-4) zone.

3. At the time of the initial hearing on March 3, 2022, Applicant proposed to renovate the dwelling on the Subject Property and use it as a multi-family dwelling with five (5) apartments.

4. Applicant sought a (d)(1) use variance; as multi-family dwellings are not a permitted use within the R-4 zone.

5. Applicant also sought confirmation of existing nonconforming conditions related to: maximum number of stories – where required is 2.5 stories and existing/proposed is 3 stories; maximum building height – where required is 35 feet and existing/proposed is 38 feet; and maximum lot coverage – where required is 40% and existing/proposed is 44.7%.

6. At the time of the initial hearing, the Applicant also requested supplemental zone variances and design waivers from the Land Use Ordinance (“LUO”) relating to the following conditions:

A. Section 17:9-19.D requires accessory structures to have a ground area equal to or less than 35% of the structure to which it is accessory; and the existing/proposed garage has a ground area of 1,200 SF, while the dwelling has a ground area of approximately 1,875 SF;

B. Section 17:9-24.C.1 requires 10-foot buffering around all side of a parking lot; and the existing/proposed buffering width is 5 feet;

C. Section 9:42.A requires that residential driveways be located no closer than 2 feet from a property line; and the existing/proposed driveways are set back 0 feet from the property lines;

D. Section 17:9-42.I requires that driveways be constructed of a durable and dustless asphalt or cement surface; and the existing/proposed driveway is gravel;

E. Section 17:9-43.A requires that a parking lot of less than (10) spaces is not required to provide interior landscaping if the Board finds that the perimeter landscaping is adequate; and no perimeter or interior landscaping is proposed for the parking lot;

F. Section 17:9-48.A requires that studio apartments have a minimum area of 500 SF, one-bedroom apartments have an area 750 SF, two-bedroom apartments have an area of 1,000 SF and three-bedroom apartments have an area of 1,100 SF; and a studio apartment with 415 SF, a one-bedroom apartment with 735 SF, a two-bedroom apartment with 923 SF and a three-bedroom apartment with 1,045 SF are proposed;

G. Section 17:11-8.B.8 requires that each dwelling unit be provided with 350 cubic feet of covered enclosed storage space beyond the regular closet space provided in each unit; and no additional storage space is proposed; and

H. Section 17:11-8.B.9b requires that each dwelling unit be provided with at least 64 SF of private open space; and no private open space is proposed.

7. At the initial hearing on March 2, 2022, Allen Barkin, Esq., the Applicant's attorney provided a summary of the proposed development.

8. At the initial hearing, Steven J. Druga, R.A., the Applicant's Architect, provided a summary of Applicant's proposal, as well as information concerning the Subject Property and the dwelling. He confirmed that his office prepared both the architectural plans and the plot plan submitted by the Applicant in support of the application.

9. Mr. Druga indicated that the dwelling on the Subject Property is a historic home which was constructed in 1897. He advised that the dwelling is a combination of Victorian and French Provincial styles with a footprint of approximately 1,875 SF. Mr. Druga noted that the total square footage of the dwelling is approximately 5,000 SF.

10. Mr. Druga testified that the Subject Property is located on Myrtle Avenue near the border with North Plainfield and adjacent to Green Brook Park. He noted that in addition to the main building, the Subject Property also contains a detached three-car garage measuring approximately 30 feet by 40 feet. Mr. Druga further advised that the Subject Property contains a driveway extending down the left-hand (westerly) side of the property towards the rear of the property containing the detached garage. He stated that the Subject Property also contains a semi-circular driveway in front of the dwelling. Mr. Druga also noted that a parking area is located to the rear of the dwelling along the westerly property line and can accommodate seven vehicles in addition to the three parking spaces located in the garage.

11. Mr. Druga indicated that the parking area and driveways consist of compacted gravel. He opined that this material was appropriate for the Subject Property. Mr. Druga indicated that gravel provided better drainage than pavement.

12. Mr. Druga thereafter reviewed the floor plans for the dwelling. He noted that the basement is unimproved and contains the HVAC systems for the apartments on the upper floors. He noted that the Applicant intends to construct storage areas for the residential apartments as required by the LUO (thereby eliminating the design waiver related thereto).

13. Mr. Druga indicated that the first floor of the dwellings contains three of the five residential apartment units. He noted that each of the apartments on the first floor contained less square footage than required under the LUO. Specifically, Mr. Druga noted that Apartment 1 (a one-bedroom unit) contains 735 SF where 750 SF are required; Apartment 3 (a three-bedroom unit) contains 1,045 SF where 1,100 SF are required, and Apartment 5 (a studio unit) contains 415 SF where 500 SF are required. Mr. Druga noted that Apartment 2 occupied both portions of the first and second floors of the dwelling. He noted that while each of the units is below the square footage required under the LUO, the units are all livable and are not deficient due to the failure to provide a conforming square footage.

14. Mr. Druga thereafter reviewed the floor plan for the second floor, noting that it contains the second story of Apartment 2, as well as Apartment 3 (a two-bedroom apartment). He noted that Apartment 3 (a two-bedroom unit) contains 923 SF where 1,000 SF are required.

15. Mr. Druga thereafter reviewed the plans for the third floor, noting that it contained Apartment 4; consisting of a three-bedroom unit with a deck. He advised that Apartment 4 contained approximately 1,490 SF; well in excess of the 1,100 SF required under the LUO.

16. Mr. Druga thereafter reviewed the elevations of the dwelling. He noted the existing stairways on the exterior of the structure, as well as the location of a first-floor deck. Mr. Druga further identified a separate entrance for the studio apartment on the first floor of the dwelling.

17. Mr. Druga advised that no significant changes are proposed for the dwelling. He further indicated that no significant changes were proposed for the remainder of the site, as well.

18. Mr. Barkin confirmed that the Applicant will provide at least 350 cubic feet of storage for each residential unit in the basement of the dwelling; thereby, eliminating the design waiver associated with that condition.

19. In response to an inquiry from the Board, Mr. Barkin advised that the Subject Property is taxed as a two-family dwelling. He further confirmed that the dwelling would be subject to registration with the State Department of Community Affairs if it were approved as a five-unit, multifamily dwelling.

20. In response to an inquiry from the Board, Mr. Druga advised that the studio apartment would have no interior access to the basement. He noted that the basement could be accessed from both the interior hallway on the first floor, as well as through an exterior set of stairs. Mr. Druga indicated that the owner of the building could provide the resident occupying the studio unit with a key to the front door leading to the hallway in order to permit the resident to have interior access to the basement level.

21. In response to an inquiry from the Board Planner, Mr. Druga indicated that the detached garage consisted of a three-bay structure with a flat roof and a man door. He noted that the garage also contained two exterior lights. Mr. Druga advised that the garage is in good condition.

22. In response to further inquiry from the Board Planner, Mr. Druga confirmed that the Applicant requires a variance for the size of the garage. He noted that the LUO permitted accessory structures to be a maximum of 35% of the ground area of the structure to which it is an accessory, and the garage is approximately 64% of the ground area of the main building on the Subject Property.

23. In response to an inquiry from the Board Planner, Mr. Druga indicated that the dwelling on the Subject Property will resemble a single-family dwelling.

24. In response to an inquiry from the Board, Mr. Druga indicated that the dwelling has been used as a five-unit, multifamily dwelling for at least twenty years. He further advised that the Applicant has owned the building since October 2019; when she purchased it from a lender which had foreclosed on the site. He acknowledged that no records exist demonstrating that the dwelling was ever legally permitted as a five-unit, multifamily dwelling.

25. At the initial hearing, Elvis Diaz, a senior designer at Mr. Druga's office provide testimony concerning the existing site conditions. Mr. Diaz advised that he did the field work for the project.

26. Mr. Diaz advised that he first visited the subject Property approximately one and a half years ago. He indicated that at the time he initially visited the Subject Property, the interior of the dwelling was substantially similar to what exists on the architectural floor plan. Mr. Diaz indicated that the condition of the property at that time was finished, well maintained and functional. He advised that the layout of the dwelling was as indicated on the architectural plans.

27. Mr. Diaz indicated that the driveway on the Subject Property has a 0-foot setback along the left (westerly) side which increases as it extends to the rear of the property. He noted that while the Subject Property and the adjoining property to the left have a combined curb cut at the street line; the properties do not share a common driveway.

28. Mr. Diaz indicated that the adjoining properties have similar backyards and similar style homes to the dwelling and yard on the Subject Property.

29. Mr. Diaz indicated that the Subject Property contains an area for refuse and recycling. He noted that the area is located to the rear of the dwelling along the right-hand (easterly) property line. Mr. Diaz indicated that the area is enclosed by a six-foot high wood fence with a gate.

30. In response to an inquiry from the Board Planner, Mr. Barkin confirmed that the Applicant would provide a detail of the refuse and recycling area as a condition of any Board approval.

31. In response to an inquiry from the Board, Mr. Diaz advised that he was not sure how many four-family or five-family homes were in the immediate vicinity of the Subject Property. He advised that he based his opinion of the uses of the surrounding properties on the amount of traffic and the number of vehicles parked thereon.

32. In response to an inquiry from the Board Planner regarding the parking area, Mr. Diaz indicated that the Subject Property supplied seven spaces in the driveway and three spaces in the detached garage. He noted that the driveway parking spaces were delineated by curb stops. Mr. Diaz confirmed that the parking spaces would measure nine feet by eighteen feet. He noted that the drive area behind the parking spaces leading to the detached garage measured sixteen feet at its narrowest point.

33. In response to an inquiry from the Board Planner concerning site landscaping, Mr. Diaz indicated that the Subject Property contained a landscaped area between the circular driveway and Myrtle Avenue. He noted that no landscaping exists or is proposed for the rear parking area; noting that there was insufficient space to provide same.

34. Mr. Diaz confirmed that the Applicant required an impervious coverage variance in connection with the proposal. He advised that the Applicant does not wish to remove the secondary driveway in front of the dwelling in order to reduce the impervious coverage.

35. The Board Planner and Board Engineer both confirmed that the gravel driveway is considered impervious coverage under the LUO.

36. The Board Engineer confirmed that the sixteen foot back up space in the parking area does not comply with the LUO. He noted that twenty-four feet is required under the LUO for perpendicular parking.

37. In response to an inquiry from the Board Planner concerning site lighting, Mr. Barkin advised that lighting currently exists on the garage. Mr. Diaz noted that there are flood lights on the rear of the dwelling which are directed towards the parking area. Mr. Barkin confirmed that the Applicant would supply a lighting plan confirming that the light levels met the requirements of the LUO as a condition of any Board approval.

38. In response to an inquiry from the Board, Mr. Barkin confirmed that the dwelling has been vacant since it was acquired by the Applicant.

39. In response to an inquiry from the Board Engineer, Mr. Barkin advised that no utility improvements were necessary for the property to be utilized as a five-unit, multifamily dwelling.

40. At the initial hearing, Ken Schneider, the Applicant's plumber and HVAC contractor, provided testimony concerning the historic usage of the property, as well as the existing site conditions.

41. Mr. Schneider stated that he knew the prior owner of the Subject Property for approximately twenty-five years; and that he had visited and worked on the dwelling during that period. Mr. Schneider advised that he was aware of the layout of the dwelling prior to its acquisition by the Applicant. He noted that even though the dwelling is taxed as a two-family dwelling, it has been utilized as a five-unit, multifamily dwelling for at least twenty years.

42. Mr. Schneider advised that at the time the Subject Property was acquired by the Applicant it was in a dilapidated condition. He noted that the wiring in the dwelling, as well as the shower valves had been removed by vandals. Mr. Schneider stated that the Applicant had

expended significant funds and effort to restore the dwelling; and that the dwelling is ready for habitation.

43. Mr. Schneider indicated that the issue of the Subject Property not being a legal five-unit, multifamily dwelling arose when the Applicant applied for a Certificate of Occupancy for the project.

44. Mr. Schneider confirmed that each apartment unit would have its own HVAC unit.

45. Mr. Schneider advised that he had performed a calculation of the sanitary discharge for the proposed five-unit, multifamily dwelling. He indicated that the sanitary sewer lateral measuring four inches is more than adequate for a five-unit, multifamily dwelling.

46. Mr. Schneider advised that the Applicant would provide a laundry room containing a washer and dryer in the basement of the dwelling.

47. In response to an inquiry from the Board Planner, Mr. Schneider confirmed that the Applicant would secure approval from the Plainfield Municipal Utility Authority; as a condition of any approval.

48. At the initial hearing, Alexander Dougherty, M.C.R.P., P.P., A.I.C.P., the Applicant's Professional Planner provided testimony concerning the variance relief required by the Applicant, as well as the planning justification for same.

49. Mr. Dougherty confirmed that the Applicant requires a (d)(1) use variance because the proposed five-unit, multifamily dwelling use is not permitted in the R-4 zone which the Subject Property is located.

50. Initially, Mr. Dougherty reviewed the suitability of the site for the multi-family use. He noted that with the proposed five apartment units, the density on the Subject Property would be 6.49 dwelling units per acre. Mr. Dougherty opined that the proposed density was

consistent with and met the pattern of development in the neighborhood in which the Subject Property was located.

51. Mr. Dougherty advised that the Subject Property contains 32,620 square feet. He noted that the minimum lot size in the R-4 zone for a two-family dwelling is 10,000 square feet. Mr. Dougherty asserted that based upon the size of the Subject Property and the minimum lot size for a two-family dwelling in the R-4 zone, the Subject Property could arguably support six (6) residential dwelling units.

52. Mr. Dougherty testified that the impact of the density would be mitigated by the fact that the rear of the Subject Property abuts the Green Brook Park.

53. Mr. Dougherty thereafter identified the special reasons for the granting of the use variance; including, purposes (a), (e), (g), (i) and (m) of the purposes of zoning set forth in section 2 the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.).

54. Mr. Dougherty next reviewed the impact to the public resulting from the granting of the Applicant's proposal. He noted that the Applicant was meeting many of the higher-level bulk requirements of the R-4 zone; including, building height, building coverage and parking. Mr. Dougherty indicated that this mitigated the impact to the public.

55. Mr. Dougherty stated that the variances could be granted without substantial impairment to the zone plan and zoning ordinance of the City of Plainfield. He noted that all of the requested relief relates to a distinct site and would not detrimentally impact the R-4 zone. Mr. Dougherty advised that the Applicant was merely attempting to legalize the existing conditions at the Subject Property.

56. Mr. Dougherty opined that the variance related to the sizes of the units could be justified because the Applicant was supplying a variety of housing types and a variance of price points.

57. In response to an inquiry from the Board Planner concerning site suitability, Mr. Dougherty reiterated that the Applicant was meeting the majority of the bulk requirements of the R-4 zone deposit the proposed five-unit, multifamily dwelling use.

58. During the initial hearing, Maritza Brackman, the Applicant, provided testimony concerning her acquisition and renovation of the dwelling on the Subject Property. She advised that she purchased the Subject Property in 2019.

59. Mr. Brackman advised that a handyman would handle the transfer of the waste receptables to the curb and return them to the refuse and recycling area on the appropriate days.

60. In response to an inquiry from the Board, Ms. Brackman advised that she relied upon the representations of the lender selling the Subject Property concerning its permitted use as a multifamily dwelling.

61. At the initial hearing on March 2, 2022, members of the public expressed their concern over the proposed five-unit, multifamily dwelling use, as well as the historic use of the property.

62. At the conclusion of the hearing on March 2, 2022, the Applicant requested that the hearing be continued in order to permit the Applicant to address the concerns raised by the Board and the public.

63. At the hearing on June 1, 2022, Mr. Barkin appeared and provided a summary of the status of the application.

64. At the hearing on June 1, 2022, Mr. Druga appeared and provided testimony concerning the plan revisions made following the initial hearing. He advised that the Applicant was revising her request from a five-family use to a three-family use. Mr. Druga indicated that

the studio use on the first floor would be eliminated. He noted that the proposed use would now include one apartment unit on each of the first, second and third floors of the structure.

65. Mr. Druga indicated that a secondary staircase between the first and second floors would be closed off and not accessible for use by the occupants of the dwelling. He noted that the sealing of the staircase would be fireproof.

66. Mr. Druga indicated that the former studio on the first floor of the structure would be eliminated. He noted that the bath fixtures and the kitchen fixtures would be removed from the unit. Mr. Druga advised that the area in which the studio unit was previously proposed would now be utilized as tenant storage as required by the LUO.

67. Mr. Druga indicated that access to the storage area on the first floor would be provided through an exterior entry door. He advised that each of the tenants would be supplied a key for the exterior door, as well as a separate key for the interior door to their storage area.

68. Mr. Druga advised that the living room wet bar in the first-floor unit would remain.

69. Mr. Druga indicated that the second-floor apartment unit was originally proposed as a five-bedroom unit. He noted that one of the bedrooms would be converted to a work area.

70. Mr. Druga indicated that the third-floor unit would contain three bedrooms.

71. Mr. Druga advised that each of the apartment units has its own deck area providing open space. He noted that the provision of decks for the second floor and third floor apartment units would require variance relief from the LUO. Mr. Druga indicated that the decks provide a secondary egress for the units on the second and third floor of the dwelling.

72. Mr. Druga confirmed that all three apartment units meets or exceeds the square footage requirements of the LUO for apartment units.

73. Mr. Druga confirmed that as a result of the revisions to the plans the Applicant no longer requires variances/design waivers for separate tenant storage for each unit; the square footage of each unit; and the private open space for each unit.

74. At the hearing on June 1, 2022, Mr. Barkin confirmed that the only variance which the Applicant still requires is a bulk variance for maximum impervious coverage. He noted that the applicant proposed to remove a portion of the driveway to reduce the impervious coverage to 41.7%. Mr. Barkin advised that the area in which the driveway is proposed to be removed will be planted with grass.

75. Mr. Barkin advised that the Applicant proposes to relocate the proposed parking from the westerly property line to an area behind the dwelling. He confirmed that the parking spaces would be 9 feet by 18 feet. Mr. Barkin indicated that the relocation of the parking spaces would eliminate the buffer variance for the parking area.

76. Mr. Barkin confirmed that the Applicant was supplying the 7 spaces required under the LUO. He noted that three spaces would be provided in the detached garage and four spaces provided in an outdoor parking area. Mr. Barkin indicated that the parking spaces would be allocated one garage space for each unit and one outdoor space for each unit; with the four-bedroom unit receiving two outdoor parking spaces.

77. In response to an inquiry from the Board Planner, Mr. Druga indicated that the HVAC units would be located one at the left rear corner of the dwelling and two along the easterly property line at the middle of the dwelling. Mr. Barkin confirmed that the Applicant would screen the exterior HVAC units as required by the LUO.

78. In response to an inquiry from the Board Planner, Mr. Barkin confirmed that the Applicant proposed to maintain the gravel driveway and parking area.

79. In response to an inquiry from the Board Planner, Mr. Barkin confirmed the satellite dishes currently on the dwelling would be removed.

80. In response to an inquiry from the Board Planner, Mr. Druga confirmed that the Applicant could meet the requirements of the LUO with respect to site lighting. He indicated that the Applicant proposed one fixture mounted on the dwelling, two freestanding pole lights and one fixture mounted on the garage.

81. In response to an inquiry from the Board Planner concerning the impact of the parking area on the operation of the refuse and recycling area, Mr. Druga confirmed that the refuse and recycling area would have sufficient space to operate even with the relocation of the parking area to the area behind the dwelling.

82. In response to an inquiry from the Board Planner, Mr. Barkin confirmed that washers and dryers would be supplied at the dwelling. He further indicated that the laundry facilities would be located in the first-floor storage area and that the plans would be revised to provide for interior access to the storage area.

83. In response to an inquiry from the Board, Mr. Barkin confirmed that visitor parking would be located on the street or onsite if a resident was not present.

84. During the public comment section, a member of the public expressed concern over the Applicant's proposal, as well as concerns over inconsistencies between the notices and the plans. In response, the Board Planner confirmed that any inconsistencies in the plans would be revised as a condition of final approval.

85. In response to an inquiry from the Board, Mr. Barkin confirmed that the Applicant would voluntarily agree as a condition of any approval that all of the plan revisions would be provided to the Board prior to memorialization of any Resolution granting the Applicant's proposal.

86. The Applicant voluntarily agreed to the following conditions of approval:

A. Provision of revised plans prior to the adoption of the resolution reflecting the following to the satisfaction of the Board Professionals:

- i. Conversion of the property from a 5-family dwelling into a 3-family dwelling;
 - ii. Walling-off of the secondary stairway from the first floor to the second floor;
 - iii. Removal of the plumbing fixtures and kitchen appliances from the former first floor studio unit;
 - iv. Modification of the bedroom in the second floor (five bedroom) unit to be a media room/office space;
 - v. Removal of a portion of the driveway impervious coverage along the westerly property line (reducing the impervious coverage to 41.7%);
 - vi. Relocation of the parking area from the space along the westerly property line to a location behind the dwelling;
 - vii. Planting of grass and screening landscaping along the westerly property line;
 - viii. Screening of the exterior HVAC units;
 - ix. Removal of the satellite dishes;
 - x. Provision of a lighting plan demonstrating compliance with the LUO;
- and
- xi. Revision of the first-floor storage area to add laundry facilities, as well as a direct access from the main interior hallway of the dwelling.

B. Revision of the plans to include a detail of the refuse and recycling area to the satisfaction of the Board's Professionals.

Based upon the above findings of fact, the Board concludes as follows:

CONCLUSIONS

1. The Subject Property is particularly suitable for the proposed three-unit, multifamily dwelling use. The proposed use will advance the purposes of zoning in the Municipal Land Use Law, namely N.J.S.A. 40:55D-2; as outlined by the Applicant's Professional Planner in his testimony and summarized in the Findings of Fact.

2. The bulk variances related to maximum number of stories, maximum building height and maximum lot coverage variance can be granted under a hardship basis. These conditions are already in existence at the Subject Property; and the Applicant is reducing the intensity of the maximum lot coverage variance.

3. The bulk variances related to maximum number of stories, maximum building height and maximum lot coverage variance, as well as the supplemental zone variances, can be granted under a (c)(2) analysis. The benefit is the advancement of purposes (a), (e), (g), (i) and (m) of zoning contained in the Municipal Land Use Law. The Board finds little, if any, detriment from the granting of the bulk variances related to maximum number of stories, maximum building height and maximum lot coverage variance. Therefore, the Board concludes that the benefits from the granting of the variances substantially outweigh the detriments.

4. The use variance; height variance (number of stories), height variance (building height) and lot coverage variance, as well as the supplemental zone variances can be granted without substantial detriment to the zone plan and zoning ordinance of the City of Plainfield.

The Board does not perceive any risk of compromising the zoning ordinance through the granting of the application.

5. The use variance; height variance (number of stories), height variance (building height) and lot coverage variance, as well as the supplemental zone variances can be granted without substantial detriment to the public good. Based upon the testimony of the Applicant's professionals, it is clear that the site will function both safely and efficiently. The traditional Municipal Land Use Law goals of light, air and open space will not be compromised by the granting of the variances.

6. The use variance can be reconciled with its omission from the zone. It is doubtful that the drafters of the zoning ordinance considered the adaptive re-use of this historic oversized dwelling on an oversized parcels when they established the use restrictions for the R-4 zone.

7. The site plan will not only benefit this property but also the surrounding properties through the provision of the proposed site improvements.

NOW, THEREFORE, be it resolved that the application of **MARITZA BRACKMAN** for preliminary and final site plan approval; a (d)(1) use variance to use the property as a multi-family dwelling containing three (3) apartment units; confirmation of existing bulk variance conditions related to: maximum number of stories (3 stories) and maximum building height (38 feet); a bulk variance related to lot coverage (41.7%); together with a supplemental zone variances related to: accessory structure size (64% of principal structure), driveway setback (0 feet); and driveway material (gravel); for the purpose of utilizing the structure on the Subject Property as a multi-family dwelling with three (3) apartment units; be and the same is hereby approved, subject to the voluntary conditions in Paragraph 86, and the following additional conditions:

- a. Applicant shall obtain all other necessary governmental approvals;
- b. Applicant shall post all bonds and pay all inspection fees;
- c. Applicant shall pay the fees of the Board's professionals; and
- d. Applicant shall pay all real estate taxes and assessments due to the City of Plainfield through and including the Second Quarter 2022.

The above is a memorialization of a motion duly made and seconded on **June 1, 2022**, on the following vote:

ROLL CALL VOTE

Those in Favor: Ruiz, Gerald, Jordan, Rawls, Sears, Spear

Opposed: None

Abstained: None

ALEJANDRO RUIZ, Chairman

DANIEL WHITE, Secretary

Dated: _____