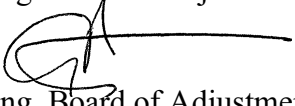


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MEMORANDUM

To: West Windsor Township Zoning Board of Adjustment

From: Edwin W. Schmierer, Esq. 
West Windsor Township Zoning Board of Adjustment Attorney

Date: October 26, 2021

Re: West Windsor Township Zoning Board of Adjustment - Vishal Narula: FAR Use Variance Application No. ZB21-03; Block 27.06, Lot 128 West Windsor Township Tax Map; 14 Dickens Drive; R-20 Residential Zoning District

The West Windsor Township Zoning Board of Adjustment ("Board") will consider the above-referenced application at its meeting on November 4, 2021. Vishal Narula (hereinafter referred to as the "Applicant") and his wife, Mamta Narula, propose improving their existing single-family home located at 14 Dickens Avenue and designated as Block 27.06, Lot 128 on the West Windsor Township Tax Map (hereinafter referred to as the "Property") by adding a sunroom over an existing patio in the rear of their home.

The Property is located within a cluster subdivision in the R-20 Residential Zoning District. Pursuant to Section 200-174 Township Land Use Ordinance, the permitted maximum FAR in the district is 13%. The Applicant's property currently has an FAR 13.2%. With the construction of a new sunroom, the FAR will be increased to 14.4%. Consequently, the Applicant seeks from the Board a d(4) use variance for the 1.4% that the Property will exceed the permitted FAR.

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The proposed sunroom is elevated and will be located over an existing patio on the Property. The sunroom will be an additional habitable area within the Applicant's home. The sunroom is being attached to the rear of the Property and is not visible from the Dickens Drive right-of-way. From the photographs submitted with the application, there appears to be substantial tree and shrubbery planting and perhaps an existing fence along the side of the Property adjacent to the sunroom structure to provide a buffer from the adjacent properties. Under Coventry Square v. Westwood Zoning Board of Adjustment, 138 N.J. 285 (1994), the Applicant in order to obtain the use variance relief sought from the Board, must satisfy the Board that "special reasons" exist to permit the deviation from the Zoning District FAR requirements. This means that the Applicant must demonstrate to the Board's satisfaction that the Applicant's Property will accommodate any problems associated with a Floor Area Ratio that is greater than that permitted in the R-20 Residential Zoning District within the Applicant's clustered subdivision. The Applicant must further satisfy the Board that the requested FAR variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the R-20 zone plan for the neighborhood wherein the Applicant's Property is located. Satisfying this "negative criteria" involves having the Board consider whether or not there would be a negative impact on any of the neighboring properties if an FAR greater than that permitted in the zone was approved by the installation of the proposed sunroom.

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This application involves a use variance. Consequently, at least five members of a seven-member board must vote to grant to the Applicant the variance relief sought.

cc: via Electronic Mail:

Samuel J. Surtees, Land Use Manager

David Novak, PP/AICP, Burgis Associates, Inc., Zoning Board Consulting Planner

Vishal Narula, Applicant

Erika Ward, Zoning Board Secretary