



ZONING BOARD OF ADJUSTMENT

Borough of Waldwick
63 Franklin Turnpike
Waldwick, New Jersey 07463



In The Matter of:
The Application of
Brian Walters
For Variance Relief with Respect to:
105 Grove Street
R-2 Zone
Lot 53, Block 39
Waldwick, New Jersey

Resolution of Memorialization
As To "Official Action" **Granting**
Variance Relief To build a
deck.

WHEREAS, Brian Walters, hereinafter referred to as "Applicant", applied to this Board of Adjustment for variance relief to build a rear deck, said premises being located on Lot 53 in Block 39 as it appears on the current Tax Map of the Borough of Waldwick, hereinafter referred to as the "premises in question"; and

WHEREAS the Applicant's application and accompanying drawings, schematic design, site plan and survey were the subject of a public hearing held by this Board of Adjustment on August 27, 2025, during the hearing

testimony was taken and exhibits were submitted by the Applicant in favor of this Board of Adjustment granting the requested relief; and

NOW, THEREFORE, BE IT REMEMBERED, that this Board of Adjustment at its official public monthly meeting held on August 27, 2025, did make the following findings of fact, determination, and decision:

Memorialization of Findings of Fact

1. All persons required to be served with notice of the public hearing were duly served, notice of the public hearing was duly published, and proof thereof has been filed with this Board of Adjustment.
2. The premises in question is located on Lot 53 in Block 39, District R-2 Residential.
3. The Applicant has paid all taxes and assessments.
4. No member of the public commented on this application even though an opportunity was given.
5. The Applicant proposes to build a rear deck, which is proposed to be situated too close to the rear lot line and too close to accessory structures to conform to the requirements of the Waldwick Zoning

Ordinance and for which variance relief is presently requested. Applicant argues that the particular configuration of the rear yard, with regard to the pre-existing relative locations of the principal structure and the existing accessory structure, necessitates that the requested variance relief be granted or continued, as might be applicable. The zoning requirements for the R-2 residential district of the Borough of Waldwick require a setback of a minimum of ten (10') feet from the principal structure to any accessory structure, in this case, the garage. Applicant proposes a setback of three (3') feet from the proposed deck to the freestanding garage. The deck is considered to be a part of the principal structure. Specifically, this condition is necessitated by the existing locations of the house and the garage. It is unclear whether the presently existing distance between the house and the garage meets the ten (10') foot minimum setback. As previously stated, the proposed improvement will result in the setback of the garage from the house, as extended by the proposed deck, being only three (3'), where ten (10') feet are required. To shift the location of the proposed deck to the East, to gain distance from the garage, would greatly impact the utility of the rear yard and therefore

applicant proposes to create the previously described nonconformity, as well as creating a new non-conformity with respect to rear yard setback, as described below. With regard to rear yard setback, the code requires thirty-five (35') feet where eleven (11') feet are proposed. Although the lot area is conforming, being the full seven thousand, five hundred (7,500) square feet, required in the R-2 Zone, the existing location of the house and garage make bringing the proposed deck further back, rather than extending it to the eastern side, will allow greater use of the rear yard for other activities, most particularly, being an area in which children can safely play. Because of the location of the existing garage, the rear edge of the deck will not go beyond the garage towards the rear of the lot and as a platform only eighteen (18") inches in height, is a great deal less intrusive (with respect to impact upon neighbors to the rear) than the existing one-story garage. The testimony adduced at the public hearing also noted that the proposed deck will not be seen from the street, nor will it be seen from the properties of neighbors to the sides, due to existing fences. Thus, the proposed deck would result in nonconformities which, although not *deminimis*, would have little or no impact upon

neighboring properties. Thus, it is argued that the variance relief requested is appropriate in the instant case.

6. As noted above, although the subject property does meet the R-2 Zone bulk requirements in all respects, the applicant's options with respect to the location of a deck are nevertheless somewhat limited. As a result of the positioning of the existing structures, as was specifically detailed above and which are inalterable, the limitations created necessitate the requested relief. The Board finds that the construction of the proposed deck, as described, will not overwhelm the lot, nor negatively impact any of the neighboring properties, in particular, due to the inability of the proposed deck to be seen by those properties. As a result, it is appropriate to determine that the configuration of the lot, relative to the existing placement of permanent structures, creates a hardship, as contemplated by NJSA 40:55D-70 (C)(1) and there is no basis for denying the granting of the requested variances. In all, granting the requested variance relief provides benefits which outweigh any possible detriment.

Memorialization of Determination

This Board of Adjustment has determined that the requested variance relief for the purpose of building a deck may be granted without any substantial detriment to the public good and without substantially impairing the intent and purpose of the Waldwick Zoning Code and the Waldwick Master Plan; that the requested variances are resulting from existing siting of permanent structures on the lot; that the benefits to be derived from granting the requested variance relief substantially outweigh any detriments which might possibly arise therefrom.

Memorialization of Decision

This Board of Adjustment therefore did **grant** Applicant's application for **approval of the construction of a rear deck and did grant the requested variance relief, as noted above, all as detailed above**, in the amounts and dimensions shown herein and subject to the following condition:

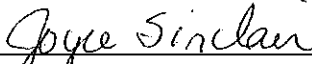
- Pursuant to Chapter 56A-20 of the Ordinances of the Borough of Waldwick, this variance relief will expire by limitation unless such construction or alteration approved herein shall have been commenced on each structure permitted by said variance within

one year from the date of publication of the notice of decision by this Board of Adjustment.

- All representations and testimony provided at the public hearing, as well as any and all representations made within any documents submitted or correspondence to the Waldwick Zoning Board of Adjustment or any other department of the Borough of Waldwick, is hereby deemed to be incorporated into this Resolution by reference, as if set forth at length herein.
- All work shall be done in strict accordance with the Uniform Construction Code and the proposed development plan.

BE IT REMEMBERED that the members of this Board of Adjustment who voted in favor of said variance relief at its official meeting held August 27, 2025, do hereby **Memorialize and Confirm** the foregoing findings of fact, determination and decision set forth in this Resolution of memorialization as the "official action" taken by this Board of Adjustment on that date in accordance with the provisions of N.J.S.A. 40:55d-10(g)(2) of the New Jersey Municipal Land Use Law on this September 24, 2025.

I hereby certify that this Resolution of memorialization consisting of 9 pages was duly adopted by the members of the Board of Adjustment of the Borough of Waldwick who voted in **favor** of Applicant's application as described herein on August 27, 2025, a quorum of the membership being present, at the regular official public meeting of said Board of Adjustment held on September 24, 2025.



JOYCE SINCLAIR, Secretary
Waldwick Zoning Board of
Adjustment

Official Public Monthly Meeting:
September 24, 2025

Official Public Monthly Meeting: September 24, 2025

	Moved	Seconded	Yes	No	Abstain	Absent
Marty Nieman			✓			
Richard Cericola		✓	✓			
Brian Walsh			✓			
Ted Sanzo	✓		✓			
Nadia Luppino			✓			
Stanley Wekarski			✓			
Phil Centineo			✓			
Bruce Mitchell			✓			
Joseph Myerjack			✓			