



TOWNSHIP OF NORTH BRUNSWICK
710 HERMANN ROAD
NORTH BRUNSWICK, NJ 08902

Tel.: (732) 247-0922 x440

Fax: (732) 289-3822

Website: WWW.NORTHBRUNSWICKNJ.GOV

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Antonios Fiotakis
256 Dallas Road
North Brunswick, NJ 08902

FROM: Andrei Alexeev, Zoning Officer

DATE March 9, 2022

SUBJECT: Block: 271 Lot(s): 11
Street Address: 256 Dallas Road
Applicant: Antonios Fiotakis

Dear Mr. Fiotakis:

I have reviewed the application for a setback variance at the above referenced address, and I am issuing the following report.

The following application materials were reviewed:

- 8-sheet architectural plan prepared by Paul J. Rodek, dated 2/21/2022.
- A copy of the property survey dated 6/21/2014 with drawings of the proposed addition, porches, and rear open deck.

Administrative

1. The applicant proposes to construct an approximately 562 sq. ft. two-story addition to the rear of the existing single-family dwelling, a second-story addition over the existing first level of the dwelling, an approximately 15.85 ft. by 10 ft. open rear deck and 14.25 ft. by 22.15 ft. rear porch, and a 7 ft. by 3 ft. front porch.

2. The subject property is a single-family dwelling located in the R-2 Residential Zoning District (Figures 1 & 2 below). A single-family dwelling is a permitted use in the zone.



Figure 1: Subject property (Satellite view).



Figure 2: Subject property (Street view).

3. Research of the property records revealed that the dwelling was built in or about 1968, and the existing second level of the building is in violation of the currently-required 40 ft. front yard setback. The applicant proposes the new second-story addition to be constructed flush

with the existing second level of the building, and the proposed front porch to be located in the required front yard setback.

4. Variances associated with the development application are summarized in the following table(s):

a. The proposed development requires the following "C" variance(s):

Description	Min. Required/Max. Permitted	Proposed	Variance	Ordinance
Front Yard Setback, Second-Story Addition	40 ft.	38.6 ft.	V	§ 205-4.1 (Table 1, R-2 Zone)
Front Yard Setback, Front Porch	40 ft.	37.6 ft.	V	§ 205-4.1 (Table 1, R-2 Zone)

V = Variance

Technical

1. Variances:

a. **Front Yard Setback, Second-Story Addition** – The applicant proposes to construct a second-story addition over the existing first level of the dwelling flush with the existing second level of the building (38.6 ft. from the front property line), whereas a minimum 40 ft. front yard setback is required (§ 205-4.1 (Table 1, R-2 Zone)). Pursuant to § 205-125 (C) of the Land Use Ordinance, no lawfully pre-existing nonconforming building shall be enlarged, extended or increased in size unless such enlargement, extension or increase, including new level additions that fit on top of the existing footprint, complies with all requirements of the zoning district in which the building is located. The applicant should justify the setback variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.

b. **Front Yard Setback, Front Porch** – The applicant proposes to construct a 7 ft. by 3 ft. front roofed porch 37.6 ft. from the front property line, whereas a minimum 40 ft. front yard setback is required (§ 205-4.1 (Table 1, R-2 Zone)). The Applicant should justify the setback variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.

Miscellaneous:

1. In 2015 a zoning permit was issued to install a shed in the rear yard 5 ft. from the side and rear property lines. It appears from the satellite view (Figure 1 above) that the shed was not installed in accordance with the issued permit. The applicant should provide testimony regarding the location of the existing shed, and the shed shall be relocated to meet the minimum required 5 ft. side and rear yard setbacks if installed incorrectly.

The Township reserves the right to further comment based upon the testimony at the public hearing.

Completeness

1. Checklist:

The applicant must remit the following items in order for a completeness certification to be issued:

- 15 copies of reduced architectural plans.
- 3 copies of Tax and Assessment Payment Report.
- W-9 form.
- Required fees and escrow deposit (see below).

2. Fees and Escrow Deposits (§ 205-139):

The applicant must remit the following application fees and technical review escrow deposits in order for a completeness certification to be issued.

Land Use Application Fees:

C Variance (Residential):	<u> </u>	\$100.00
TOTAL:		\$100.00


Technical Review Escrow Deposit:

C Variance (Residential):	<u> </u>	\$350.00
TOTAL:		\$350.00

Please remit two separate checks in the above total amounts and provide the items identified above. Upon receipt and review of the requested materials, you will be notified regarding the status of your

application with respect to a Board hearing, for which proper notification will be required. If you have any questions, you may contact Kristen Olcsvay, Secretary to the Zoning Board, at 732-247-0922, extension 440.

Sincerely,


Andrei Alexeev, Zoning Officer

c: Mayor and Council
Michael Hritz, Director of Community Development
Tom Vigna, Planner
Zoning Board of Adjustment



For Office Use Only	
Date Filed: _____	Appl. No.: _____
Appl. Fee: \$ _____	Escrow Deposit: \$ _____
Check One:	
<input type="checkbox"/> Zoning Board of Adjustment	
<input type="checkbox"/> Planning Board	

Revision Date: 9/2020

TOWNSHIP OF NORTH BRUNSWICK

Variance Application (FORM C)

The original and fourteen (14) copies of the completed application form supplied by the Township and the required number of copies of supporting documents listed in the applicable checklist must be filed with the Department of Community Development. If a waiver is being requested for any item on the checklist, it must be noted in the "waiver requested" section, and each item must be listed by checklist number and a detailed reason for the request must be provided. Any application that does not include an item required by the checklist, and for which a waiver has not been requested, will be automatically deemed incomplete.

All applications must be accompanied by appropriate fees and escrow deposits together with a written explanation of the amount calculations. Separate application fee and escrow deposit checks must be provided.

In addition to submittal of hard copies of documents, copies of all applications, surveys, plans, reports and studies, such as environmental impact, traffic, stormwater, sewer and water reports, and any other documents associated with the application, shall be submitted on a CD in portable document format (pdf) at 400 x 400 dpi. Submittal of such digital copies shall be required to constitute an application for development, and all revised files shall be resubmitted as the originals are changed or amended. Every electronic submission must be accompanied by a cover letter listing all attached documents and any revisions, where applicable. Single-family or two-family homeowners preparing variance applications on their own behalf shall not be subject to this electronic submission requirement, provided that such applications do not require site plan or subdivision approval.

The following proof of satisfying the notice requirements must be filed with the Secretary of the appropriate Board at least five (5) days prior to the date fixed for the hearing:

- Affidavit of Service
- Copy of notice served
- Certified List of Property Owners within 200 feet and others served with manner of service
- Certified Mail receipts stamped by the USPS
- Affidavit of Publication from the newspaper in which the notice was published.



PART I

SUBJECT PROPERTY:

Block 271 Lot(s) 11 Zone R-5
Property Location 256 DALLAS ROAD NORTH BRUNSWICK NJ 08902
Size of Property _____

Present Use: Residential Non-Residential Vacant
Proposed Use: Residential Non-Residential Specify: _____

CONTACTS:

Applicant: Corporation Partnership Individual
 Other/Explain _____

Name: Antonio S Fiதாகis
Address: 256 DALLAS ROAD NORTH BRUNSWICK NJ 08902
Telephone: 732 754 8851 Fax: _____
Email: Antfiதாகis@gmail.com

Owner (if different from Applicant):

Name: _____
Address: _____
Telephone: _____ Fax: _____
Email: _____

Engineer:

Name: _____
Address: _____
Telephone: _____ Fax: _____
Email: _____

Attorney:

Name: _____
Address: _____
Telephone: _____ Fax: _____
Email: _____



PART II

Describe the Proposed Development/Request (continue on a separate sheet if necessary):

- To make existing steps have a roof
- second story Addition overhangs into 40' yard setback by 1.5 feet

VARIANCE(S) REQUESTED (Check all that apply):

"C" Variance(s):

- C(1) - The strict application of the provisions of Chapter 205 would result in peculiar and exceptional practical difficulties or exceptional and undue hardship.
- C(2) - The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

"D" Variance(s):

- D(1) - Use or principal structure in a district restricted against such use or principal structure.
- D(2) - Expansion of a nonconforming use.
- D(3) - Deviation from a specification or standard pertaining solely to a conditional use.
- D(4) - Increase in the permitted floor area ratio.
- D(5) - Increase in the permitted density.
- D(6) - Height of a principal structure exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.



ASSOCIATED APPROVALS REQUESTED:

Site Plan:

- Site Plan
- Amended Site Plan
- Conditional Use

Subdivision:

- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision
- Amended Preliminary Major Subdivision
- Amended Final Major Subdivision

Other (specify): _____

A change to a nonpermitted use shall require a site plan approval or, as a minimum, a site plan waiver request. Such request may be considered by the Board, and, if granted, will constitute an acknowledgment by the Board that the condition of the property is satisfactory and meets the requirements of Chapter 205. No site plan waiver will be granted if the condition of the property is not satisfactory in such matters as traffic, circulation, access, parking, lighting, setbacks, lot coverage, safety, landscaping, buffer, fire safety, noise or other requirements of Chapter 205

Is a site plan waiver requested?

YES

NO

If a site plan waiver is sought, explain why the request shall be granted:

Is the application proposed to be bifurcated?

YES

NO

If bifurcated, identify the nature of subsequent development approvals to be sought:

Identify Requested Variances:

Ordinance Section: Requirement:

\$205- 23 40 feet front yard setback

Proposed Deviation:

2nd story overhang 1.5' into setback



§205- <u>23</u>	<u>40 feet front yard Setback</u>	<u>front step Roof overhang 5 2.4' into setback</u>
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
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§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____

Identify Requested Design Waivers:

Ordinance Section:	Requirement:	Proposed Deviation:
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____

“C” Variance(s) (Check one that applies):

A variance under N.J.S.A. 40:55D-70.C(1):

Detail your argument for how this case conforms to this requirement, including, if applicable, reference to exceptional narrowness, shallowness or shape of the property, or exceptional topographic conditions or physical features uniquely affecting the property, or extraordinary and exceptional situations uniquely affecting the property or the structures lawfully existing thereon:

The over hang will give the home the matching look from the other



side, so the addition looks natural and original. The steps are existing and we would like to cover them to keep our kids and guests out of the rain.

and/or

A variance under N.J.S.A. 40:55D-70.C(2):

Detail your argument for how this case conforms to this requirement: we are not affecting any additional land, steps are existing and not changing. The overhang will provide our family with the look of the home to look natural and be aesthetically pleasing.

D Variance(s):

State special reasons why the refusal to allow the project would impose on the applicant an undue hardship and/or how the proposed project carries out a purpose of zoning as defined in N.J.S. 40:55D-2. Detail your argument for 1) how the proposed use inherently serves the public good, and/or 2) why the property cannot reasonably be adapted to a conforming use, and/or 3) what unique characteristics of the site make it particularly appropriate for the proposed use rather than a permitted use:

C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good:

This variance will provide the beautiful upgrade our home needs to raise our family, we are not affecting any additional ground or our homes footprint. Our kids and guests will be able to be out of the rain on our covered steps.

Supply a statement of facts why relief can be granted without substantial detriment to the intent and purpose of the zone plan and zoning ordinance:

No additional ground will be affected. The homes footprint remains the same. The steps are existing just being covered. The overhang will match other side of house.



PART III

Has there been any previous application to any Township Board involving these premises?

YES NO

If yes, provide file number(s) and state the nature, date and disposition of said mater:

Is public water available?

YES NO

If no, how will water service be supplied? _____

Is public sewer available?

YES NO

If no, provide proposed method of sewage disposal: _____

Are there any existing deed restrictions, easements or covenants?

YES NO

If yes, are copies provided?

YES NO

Are any deed restrictions, easements or covenants contemplated?

YES NO

If yes, are copies provided?

YES NO

Does the owner own or have any ownership interest in any contiguous property?

YES NO

If yes, provide type of ownership, address, block and lot(s): _____

LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:

Quantity:	Description of Item:
1	Survey showing variance



DISCLOSURE OF OWNERS OF CORPORATION OR PARTNERSHIP:

A corporation or partnership applying to a Board for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stocks of any class or at least 10% of the interest in the partnership, as the case may be, as required by N.J.S.A. 40:55D-48.1. Applications which do not comply with N.J.S.A. 40:55D-48.1 et seq. will be deemed incomplete.

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

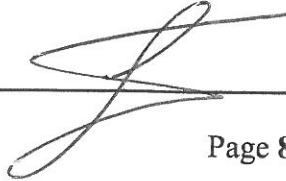
Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Applicant's Signature:  _____ **Date:** 3-7-22



ESCROW FUNDS AGREEMENT:

The Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) authorizes the collection of Technical Review Escrow Fees to cover the costs incurred by the Township for professional services involved in the review of land use development applications. Subsection 205-139 of the North Brunswick Township Land Use Ordinance establishes the amount of Technical Review Escrow Fees and the procedures for collecting and replenishing same. I hereby acknowledge and agree to the following: 1) I am responsible for the cost of all reasonable professional services rendered to the Planning Board or Board of Adjustment during the review and processing of my development application. 2) If I receive a written Deficiency Notice from the Chief Financial Officer or his/her designee (CFO) that the balance of funds remaining in the account is insufficient to cover invoices, vouchers or bills submitted to the Township for services which have already been performed, no further consideration, review or processing of the application will be permitted until such time as the funds requested in the Deficiency Notice have been deposited, and this cessation of work could result in carrying my application to the next regularly scheduled public meeting of the designated land use agency. 3) Failure to deposit the amount requested in the Deficiency Notice within ten days of receipt shall toll the period for action by the Planning Board or Board of Adjustment as stipulated in N.J.S.A. 40:55D-1 et seq., and shall bar me from seeking a default approval under N.J.S.A. 40:55D-10.4. 4) Failure to post funds requested in the Deficiency Notice within 45 days shall be grounds for dismissal of my application without prejudice, and I acknowledge that failure to pay the shortfall shall result in the shortfall being deemed a lien on the property which is subject of the land development application. 5) In the event that my application is approved and a Deficiency Notice is received after the approval is memorialized, failure to pay the shortfall amount shall be grounds for voiding the approval. 6) In the event that my application is denied and a Deficiency Notice is received after the denial is memorialized, I am still obligated to pay any shortfall amount, and I acknowledge that failure to pay the shortfall shall result in the shortfall being deemed a lien on the property which is subject of the land development application.

Applicant's Signature: _____ **Date:** 3-7-22

Owner's Signature (if different from Applicant): _____ **Date:** _____



SITE INSPECTION AUTHORIZATION

I hereby give permission for North Brunswick professional staff or municipal agencies and their agents to come upon and inspect these premises with respect to this application.

Owner's Signature: [Signature] Date: 3-7-22

APPLICANT'S CERTIFICATION:

I, Antonios Fiotekis, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 256 DALLAS RD NORTH BRUNSWICK in the County of Middlesex and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the individual applicant, or a general partner of the partnership applicant, or an officer of the corporate applicant, and I am authorized to sign the application for the partnership or corporation.

[Signature]
SIGNATURE

Sworn to and subscribed before me this 7 day of March, 2022

Eleftheria Moudrakis
NOTARY PUBLIC

ELEFThERIA C. MOUDRAKIS
NOTARY PUBLIC OF NEW JERSEY
Comm. # 50070894
My Commission Expires 10/27/2022


OWNER'S CERTIFICATION (If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner):

I, Antonios Fiotekis, of full age, being duly sworn according to law and upon my oath depose that: I reside at 256 DALLAS RD NORTH BRUNSWICK in the County of Middlesex and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner in fee of all that certain lot, piece or parcel of land



situated, lying, and being in the municipality aforesaid, and known and designated as Block(s) 271 and Lot(s) 11

and that I am either the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.


SIGNATURE

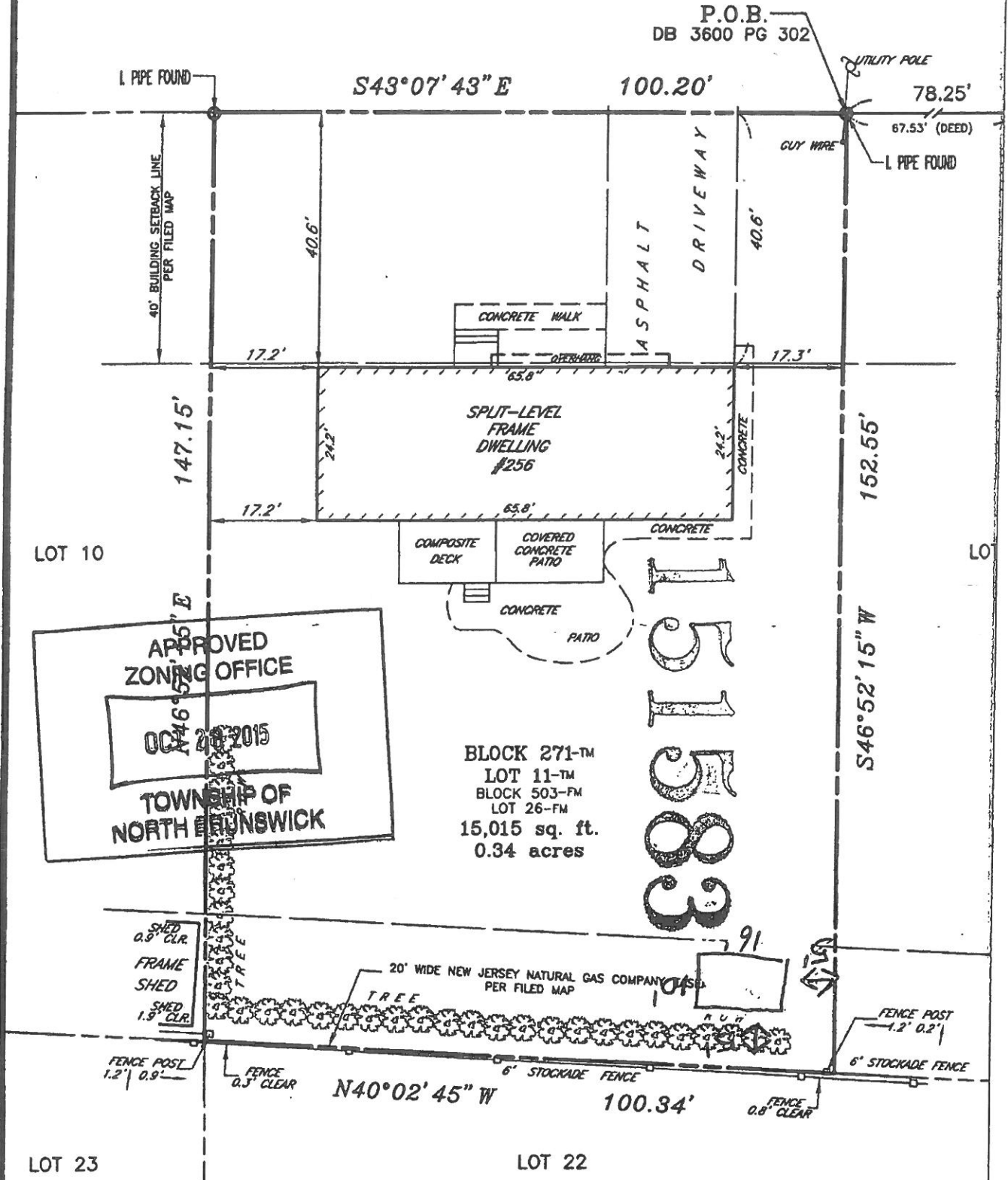
Sworn to and subscribed before me this 7 day of March, 20 22

Eleftheria Moudrakis
NOTARY PUBLIC

ELEFThERIA C. MOUDRAKIS
NOTARY PUBLIC OF NEW JERSEY
Comm. # 50070894
My Commission Expires 10/27/2022

DALLAS ROAD

50' R.O.W.



THIS CERTIFICATION IS MADE ONLY TO ABOVE NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY ABOVE AND NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, LEASE, SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

I HEREBY CERTIFY THIS SURVEY TO: REFERENCES: