

RESOLUTION
BOROUGH OF BUTLER PLANNING BOARD
IN THE MATTER OF HERJON SHAQIRI
Application No.: 20-187V
Use Variance

WHEREAS, Herjon Shaqiri, (hereinafter referred to as the “Applicant”) has made an Application to the Borough of Butler Planning Board (hereinafter referred to as the “Board”), for a use variance for a renovation and conversion of the property to a two-family to the property known as 41 Kiel Avenue, Block 40, Lot 17, in a R5 zone; and

WHEREAS, the Application was deemed complete and a public hearing was conducted on January 14, 2021.

WHEREAS, the Board having received all required fees and the application having noticed all appropriate parties, the Board determined it had proper jurisdictional power to hear and decide the matter; and

WHEREAS, the Board heard comments and testimony from the Applicant and Applicant’s Planner, Donna Holmqvist, AICP/PP and with the public having had a full opportunity to be heard; and

WHEREAS, the Applicant submitted Exhibits A1 and A2, as contained in the minutes of the meeting; and

NOW THEREFORE, the Planning Board makes the following findings of fact and conclusions of law based upon the evidence produced at the public meetings at which a record was made.

1. The Application before the Board is for a use variance to convert a single-family residence to a two-family home and bulk variances;
2. The subject property is in a R5 residential zone allowing said use;

3. Variances were requested pursuant to the Application. See letter from Darmofalski Engineering Associates, Inc., dated November 23, 2020;
4. The exhibits listed above were accepted into evidence; and
5. All submissions have been reviewed by the Board.

NOW, THEREFORE, the Planning Board makes the following conclusions of law, based upon the foregoing findings of fact:

1. The Application before the Board is for a use variance for a two-family use and bulk variances;
2. The Municipal Land Use Law provides that the Planning Board has the power to grant this approval when the Applicant satisfies certain criteria which are enunciated in the Statute and Ordinances.
3. Upon consideration of the exhibits, testimony and evidence, the Board finds that it has not been furnished with sufficient planning reasons to grant the two-family use requested, as the subject property does not meet the bulk requirements for a single family in the R5 zone.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Butler, that the Application of HERJON SHAQIRI for a use variance for a two-family and bulk variances as depicted in the Application, is denied pursuant to Borough Ordinances and N.J.S.A. 40:55D, et seq.

The undersigned certifies that the above Resolution was adopted on January 14, 2021 and memorialized on February 18, 2021 pursuant to N.J.S.A. 40:55D-10(g).

FOR:
AGAINST:
ABSTAIN: