

**RESOLUTION
BOROUGH OF BUTLER
PLANNING BOARD
In the Matter of Joshua Kaplan
Application #21-206V
Proposed Building Addition with Variances**

WHEREAS, Joshua Kaplan, (hereinafter referred to as the “Applicant”) has made application to the Butler Planning Board (hereinafter referred to as the “Board”), for an addition with variances for the subject premises, known as Block 72.03, Lot 45.01, as shown on the Tax Map of the Borough of Butler, and which is more specifically located at 62 Kakeout Road, in the R-1 Residential Zone; and

WHEREAS, a public hearing was conducted on June 17, 2021; and

WHEREAS, the Board deemed said application complete by motion; and

WHEREAS, the Board heard comments and testimony from Applicant, and with the public having had a full opportunity to be heard; and

WHEREAS, all required fees as required were submitted and all jurisdictional matters were satisfied; and

NOW THEREFORE, the Planning Board makes the following finding of fact and conclusion of law based on evidence presented at the public, at which record was made.

1. The Application before the Board is for an addition to a single-family home.
2. The subject property is located in the R-1 Residential Zone in which this use is permitted.
3. Variances were requested.
4. The following exhibits were submitted:
 - A. Application packet, including building plans.

All submissions have been reviewed by both the Board’s Engineer in correspondence dated June 10, 2021.

NOW, THEREFORE, the Planning Board hereby makes the following conclusions of Law, based upon the foregoing findings of fact.

1. The Application before the Board is a request for variance relief for the following items:
 - a. Rear yard set-back of 1.08’ feet, where 40’ feet is required.

- b. Expansion of non-conformity beyond 33% to 95% of pre-existing condition.
- c. Rebuilding of the front porch that creates a front yard of 26' where 40' is required.

2. The Municipal Land Use Law, provides the Planning Board with power to grant these variances, when the Applicants satisfy certain criteria which are enunciated in the Statute and Ordinances.

3. Upon consideration of the plans, testimony and evidence, the Board finds that is has been furnished sufficient information so as to enable it to make an informed decision with regard to these variances. Based upon the foregoing, the Board concludes the variances are appropriate based upon the evidence presented.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board that the application is granted and the request for variances are granted pursuant to N.J.S.A. 40:55D-70c, subject to the Applicant complying with the Board's engineer's letter of June 10, 2021, attached hereto and submitting a revised zoning table, listing the approved variances, subject to the following conditions:

- 1. All down spouts must discharge to the property only.
- 2. John Babula, architect, must submit new drawings showing the building within the property line.
- 3. Granting of this approval does not give any rights of access to the building from the neighbor's property.

The undersigned certifies that the within Resolution was adopted by this Board on June 17, 2021 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on _____, 2021.

For:

Against:

Abstain: