

**LAND USE PLANNING BOARD OF THE  
TOWNSHIP OF EASTAMPTON**

**RESOLUTION #15-2022**

**ON THE APPLICATION OF EMIGDIO DIONSON GRANTING  
BULK VARIANCES FOR THE LOCATION OF A SHED ON  
BLOCK 901, LOT 25 (2 MANCHESTER ROAD)**

**WHEREAS**, Emigdio Dionson ("Applicant"), the owner of Block 901, Lot 25, known as 2 Manchester Road ("Property"), has constructed a shed on the Property which due to its location is in violation of various provisions of the Eastampton Township Zoning Code, specifically from Code §§ 540-11H, 540-11I(3) and 540-18D(6)(a); and

**WHEREAS**, the Property is located on the corner of Knightsbridge and Manchester Roads; and

**WHEREAS**, the Applicant at the direction of Zoning Officer Kathy Newcomb has applied to the Land Use Planning Board ("Board") for variances to permit the shed to be located in the front yard of the Property; and

**WHEREAS**, the Applicant gave notice of a hearing before the Board on May 18, 2022, and on said date and appeared and testified pursuant to oath as follows:

1. He was unaware that he needed a permit to construct the shed.
2. The Property has two front yards as it is a corner lot.

3. The shed cannot be located in the rear of the Property as there is a steep slope.

4. He has provided a survey of the Property dated October 4, 2021, prepared by Vallee Surveying, Inc.; and

**WHEREAS**, the Board Planner, Mark A. Remsa, PP, LLA, AICP, ASLA, issued a report dated April 3, 2022, a copy of which was received and reviewed by the Applicant, wherein Board Planner Remsa described the Property, including numerous photographs, and made the following recommendations:

- (a) The shed must be located outside the "20' Wide Reverse Frontage Buffer Area" in order to maintain the public purpose of the area as originally intended when Carriage Park was created.
- (b) It is reasonable, given the hardship for being unable to locate a shed in the rear yard, to grant a variance for relocating the shed in the front yard of Knightsbridge Road. The second photograph shows the topography is relatively flat between the dwelling and the shed in its current location. The shed must be located at least 25 feet from the street line, which means the shed should be located five feet from the "20' Wide Reverse Frontage Buffer Area." Since the shed is currently 14.59 feet from the street line, the shed needs to be moved at least 5.5 feet into the property. The Land Use Board may consider requiring some evergreen shrubs, such as Arborvitae or Leyland Cypress, to be planted in the five-foot strip between the shed and the "20' Wide Reverse Frontage Buffer Area" to ameliorate the visual impact of the shed remaining in the front yard; and

**WHEREAS**, the members discussed the aforementioned recommendations and expressed their approval of the same; and

**WHEREAS,** the hearing was opened to the public and Victoria Rindosh, a neighbor who had received notice, questioned why it had been necessary for the Applicant to submit an application, and former Board member and Councilperson George Johnstone explained the genesis of the front yard restriction from which the relief was sought, and there being no further public comment, the hearing was closed.

**NOW THEREFORE BE IT RESOLVED** by the Land Use Planning Board of the Township of Eastampton as follows:

1. The above preamble clauses are adopted as the findings of fact and conclusions of law.
2. The Board incorporates herein the April 3, 2022 report prepared by Board Planner Mark A. Remsa, PP, LLA, AICP, ASLA.
3. The Board grants variances from Eastampton Zoning Code §§ 540-11H, 540-11I(3) and 540-18D(6)(a) to permit the shed to be relocated on the Property at least twenty-five feet (25') from the street line with suitable landscaping as approved by the Board Planner.

The variances are granted pursuant to N.J.S.A. 40:55D-70c(1)(b) by reason of the exceptional topographic conditions created by the steep slope in the rear of the Property, as well as N.J.S.A. 40:55D-70c(1)(c), as an extraordinary and exceptional condition exists by virtue of the Property being a corner lot combined with the steep slope in the rear of the Property, thereby preventing the shed from being located on the Property in

conformance with the regulations, so that application of the regulations results in an exceptional and undue hardship upon the Applicant.

The variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance as the shed is a permitted accessory use in the zone, and the location of the shed preserves the reverse frontage buffer area. Additionally the shed will be landscaped so as to lessen any visual impact.

Members voting in favor of granting the variances on May 18, 2022: Giacobbe, Chairperson Rodriguez, Councilman Santillo, Councilman Springer and Township Manager White.

Members voting in favor of adopting this resolution of memorialization on June 15, 2022: Bayles, Giacobbe, Chairperson Rodriguez, Councilman Springer and Township Manager White.

The foregoing is a true copy of a resolution adopted by the Land Use Planning Board of the Township of Eastampton at its meeting held on June 15, 2022, memorializing action taken at its meeting held on May 18, 2022.

LAND USE PLANNING BOARD OF  
THE TOWNSHIP OF EASTAMPTON



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KIM-MARIE WHITE  
Land Use Administrator