TO: Board of Adjustment  
FROM: Tommy Scibilia, PP, AICP  
DATE: June 13, 2023  
RE: App. 2851: 109 Union Street (Block 2201, Lot 13)  
STATUS: Complete

This report reviews an application filed with the Board of Adjustment for a bulk variance. This report reviews the following submission items:

- Application for Development dated and received May 19, 2023
- Property survey prepared by Richard J. Hingos dated May 18, 2023, received May 19, 2023
- 5-page architectural plan prepared by Javier E. Fuentes dated February 14, 2023, received May 19, 2023

Site Description
The subject property is located on the north side of Union Street between Orange Road and Wilde Street. The property has 123.93 feet of street frontage, ranges in depth from 168.42 to 240.06 feet, and is 27,641.77 SF or 0.63 acres in area. The site is developed with a 2.5-story single-family house constructed in 1905 with a paved driveway along the eastern edge of the site leading to a paved parking area and detached garage building to the northeast of the house. In 2020, an application was made to the Historic Preservation Commission for total demolition of the house (application #2020-15). The request was denied. Another total demolition application was filed in 2021 (application #2021-49), which was also denied and subsequently appealed to the Board of Adjustment (application #2773) who upheld the HPC’s decision.
Project Description
The applicant proposes to remove an existing deck at the rear of the house and construct a one-story addition roughly in its same footprint to accommodate additional interior living space. A smaller deck with steps connected to an existing raised patio will be constructed on the west side of the addition. The addition will be clad in stucco with half-timbering and a gable roof, and with two symmetrical windows on the north elevation. The improvements will result in a net reduction in impervious coverage of 3.6 SF.
Review by Historic Preservation Commission
The subject property is located in the First Residential Historic District as listed on the National and New Jersey Registers. The property was individually surveyed in the 1980 Preservation Montclair township-wide historic property survey and the resulting survey has been filed with the State Historic Preservation Office. In accordance with Montclair Code §347-142, this application was referred to the Historic Preservation Commission at their June 8, 2023 meeting. The HPC’s preservation consultant’s report as well as a report summarizing the HPC’s comments are included with application materials.

Zoning
The subject property is in the R-1 One-Family zone district, as are all surrounding properties.
The proposal requires a variance from Montclair Code §347-45D to allow a rear yard setback of 38.05 feet where 59.92 feet is required. The required rear yard setback in the R-1 zone district is 25 feet or 25% of the lot depth, whichever is greater. In this case, 25% of the lot depth is 59.92 feet.

**Planning Considerations**
The applicant should explain in testimony why the desired interior living spaces cannot be accommodated in the existing footprint of the house.
Photos
Photos taken by staff on May 22, 2023

Figure 5: Subject property viewed from Union Street

Figure 6: View north up driveway toward detached garage
Figure 7: Northeast corner of house
Figure 8: Existing rear deck to be removed

Figure 9: Northwest corner of house viewed from rear yard
Figure 10: West elevation and existing stone patio