



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
A S S O C I A T E S , I N C .

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: West Windsor Zoning Board of Adjustment
West Windsor Division of Land Use

From: David Novak PP, AICP

Subject: Vishal Narula
d(4) Floor Area Ratio Variance
Block 27.06 Lot 128
14 Dickens Drive

Date: October 25, 2021

BA#: 3789.20

WWT#: 21-03

Introduction

The applicant, Vishal Narula, has submitted an application seeking d(4) variance relief to construct a second story sunroom above an existing patio area. The site, which is identified by municipal tax records as Block 27.06 Lot 128, is located at 14 Dickens Drive in the R-20 Residence District.

In addition to the application forms and application checklists, the following has been submitted for review:

1. Construction Plan prepared by Cirangle Architects, undated, consisting of nine (9) sheets.
2. Survey prepared by A-1 Land Surveys, Inc., dated March 25, 2014 (no revision date), consisting of one (1) sheet.
3. Google Earth Aerial Map.
4. Site photographs and renderings.

Property Description

The subject site is located in the southerly portion of the Township, between the terminus of Dickens Drive and its intersection with Edinburg Road. The site has an area of 32,234 square feet and is somewhat rectangular in shape. It fronts along Dickens Drive for 141.79 feet and has a depth of approximately 200.00 feet at its greatest.

The site is presently developed with a two-story brick and frame dwelling which is setback approximately 26.5 feet from Dickens Drive. The dwelling has a footprint of approximately 3,200 square feet and, as per the Township's tax records, a total area of approximately 4,334 square feet. A brick patio, hot tub, stone patio, and walkway are located along the rear of the dwelling. Other improvements include a gazebo and a pond/stone feature. Access to the site is provided by a brick driveway which connects Dickens Drive to an attached three-car garage.

Surrounding land uses consist predominantly of single-family dwellings to the north, west, and south, as well as open space to the east. Please see the aerial at the end of this memorandum for an overview of the subject site and its surrounding environs.

Proposed Improvements

The applicant proposes to construct a second-story sunroom near the northeasterly rear corner of the existing dwelling. The sunroom would have a depth of fifteen (15) feet and a width of twenty-five (25) feet, for a total area of approximately three hundred and seventy-five (375) square feet. Its façade will consist primarily of glass.

Master Plan

As per the 2020 Land Use Plan, the site is located in the Medium Density Single Family Residential (R-20, R-20A, and R-20B) land use category, which is primarily located in the central and northerly portions of the Township. The 2020 Plan notes that this land use category is, for the most part, entirely developed with single-family dwellings with typical lot sizes of twenty thousand (20,000) square feet. The main intent of this land use category and corresponding zoning district is to recognize and preserve the established character of these neighborhoods and to reinforce the prevailing minimum lot size of twenty thousand (20,000) square feet.

Zoning and “d(4)” Variance Relief

The site is located in the R-20 Residence District. The following table outlines the zoning regulations for the R-20 District. Please note that that this zoning table was prepared by our office, and thus is an estimate to the subject site’s compliance with the R-20 District bulk standards. The applicant should confirm these estimates.

Table 1: R-20 Resident District Bulk Standards

Area & Bulk Regulations	R-20	Existing	Proposed	Section
Minimum Lot Area (sf)	20,000	32,234.00	32,234.00	200-173.2A
Minimum Lot Width (ft)	100	151.46	151.46	200-173.2B
Minimum Front Yard (ft)	40	(ex) 26.50	(ex) 26.50	200-173.2C(1)
Minimum Rear Yard (ft)	30	94.30	94.30	200-173.2C(2)
Minimum Side Yard (ft)	15	(ex) 12.62/66.05	(ex) 12.62/66.05	200-173.2C(3)
Maximum FAR (%)	13	(ex) 13.20	(V) 14.40	200-173.2D
Max. Improvement Cov. (%)	20	(ex) 28.20	(ex) 28.20	200-173.2E
Max. Building Height (st/ft)	2.5/35	> 2.5/35	> 2.5/35	200-173.2F

*(ex) Nonconforming Condition; (V) Variance; * Indicated on Applicant’s Rider;*

As noted in the above table, the applicant has requested variance relief pursuant to NJSA 40:55D-70d.(4) of the Municipal Land Use Law (MLUL) for an increase in the permitted floor area ratio (FAR). For reference, “floor area” is defined by Section 200-4 of the Township’s land use regulations as follows. Those portions of a building which are not included as floor area are *underlined and italicized*.

The sum of the gross horizontal areas of the several floors of a building or group of buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. *Floor area shall not include roof overhangs less than three feet or any floors or portions thereof contained on terraces or balconies projecting beyond the exterior face of the building, areas occupied permanently by mechanical equipment, any space where the floor-to-ceiling height shall be less than seven feet, provided that such space shall be used only for storage, building maintenance and operation activities, and roofed or enclosed areas devoted exclusively to off-street parking and loading spaces in excess of the number required by ordinance.* Basements which satisfy applicable construction code definitions of habitable space, whether finished or unfinished, are included in floor area calculations for residential purposes.

Section 200-174E. establishes that the “FAR and MIC for clustered subdivisions in the R-20, R-20A, and R-20B Districts approved prior to December 1, 2008 shall be based on a lot area of 32,670 square feet.” Thus, the dwelling is permitted to have a FAR of thirteen percent (13%) which equates to approximately 4,247.1 square feet of floor area. The applicant has proposed a FAR of 14.4% or approximately 4,709 square feet of floor area.

Statutory Criteria

The applicant has requested variance relief pursuant to N.J.S.A. 40:55D-70.(d)(4) of the Municipal Land Use Law (MLUL) for an increase in the permitted floor area ratio (FAR). As previously noted, the R-20 District establishes a maximum FAR of thirteen percent (13%), whereas the applicant has proposed a FAR of fourteen percent (14.4%).

An applicant requesting “d(4)” variance relief must demonstrate the positive criteria: specifically, that special reasons exist for the granting of the variance, and that the granting of the variance will further the purposes of the MLUL. In addition, the applicant must also address the negative criteria and demonstrate that there will be no substantial detriment to the public and no substantial impairment to the intent of the zone plan.

Randolph Town Center v. Township of Randolph, 324 N.J. Super at. 416 provides guidance for Boards of Adjustments in evaluating applications requesting “d(4)” variance relief. In that decision, the Court held that in establishing special reasons for a FAR variance, boards should look to *Coventry Square v. Westwood Zoning Board of Adjustment* and not *Medici v. BPR* for guidance. Therefore, an applicant requesting “d(4)” variance relief does not need to show that the site is particularly suited for more intensive development. Rather, an applicant must demonstrate that the site will accommodate the problems associated with a floor area larger than that permitted by the ordinance.

In consideration of the above, the applicant and the Board should discuss the following issues:

1. Calculation of FAR

The applicant should confirm that the existing and proposed FAR was calculated pursuant to the Township’s definition of “floor area.” Specifically, the applicant should confirm that the calculated floor area does not include any of the provisions which are specifically exempt from that term.

2. Nature of Addition

Testimony should be provided as to the purpose of the proposed addition. Specifically, the applicant should discuss the proposed location of the addition, as well as its visibility from both the right-of-way and from adjoining properties. The applicant and the Board should also discuss the scale of the proposed addition in relationship to the scale of the remainder of the existing dwelling.

3. Number of Bedrooms

The applicant should confirm that the number of bedrooms is not proposed to increase with this application.

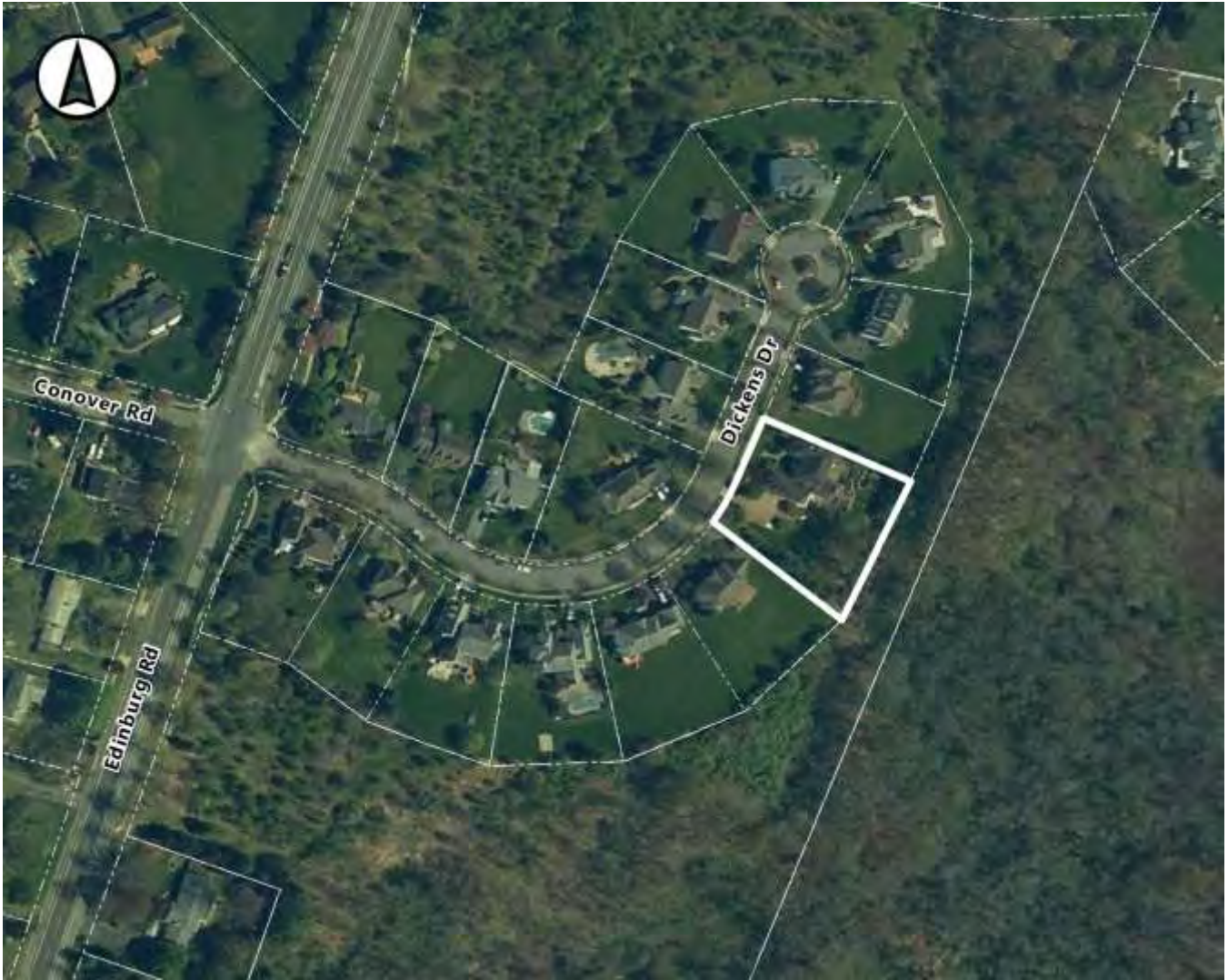
4. Comparison to Neighborhood

The applicant and the Board should discuss how the proposed FAR compares to the existing FARs in the surrounding area. To help visualize this comparison, we have provided the following table and map which identify those dwellings along Dickens Drive which exceed the FAR standard established by the R-20 District. This information was taken from the Township's tax information. In those instances where the FAR was unknown, our office provided an estimate based on Geographic Information Systems (GIS) data. Please note that pursuant to Section 200-174E., the FAR was based on a lot size of 32,670 square feet for all of the properties analyzed.

As shown, two (2) of the seventeen (17) dwellings in the surrounding area exceed the FAR standard established by the R-20 District.

Table 2: FAR Analysis

Block	Lot	Property Location	Lot Size (sf)	Floor Area	FAR	Greater than Permitted FAR?
27.06	117	1 Dickens Drive	29,882.2	3,408	10.43	No
27.06	118	3 Dickens Drive	20,778.1	3,082	9.43	No
27.06	119	5 Dickens Drive	21,562.2	3,540	10.84	No
27.06	120	11 Dickens Drive	25,264.8	3,408	10.43	No
27.06	121	15 Dickens Drive	19,994.0	4,182	12.80	No
27.06	122	17 Dickens Drive	19,994.0	4,456	13.64	Yes
27.06	123	19 Dickens Drive	20,037.6	3,550	10.87	No
27.06	124	21 Dickens Drive	25,134.1	3,549	10.86	No
27.06	125	20 Dickens Drive	23,696.6	3,831	11.73	No
27.06	126	18 Dickens Drive	20,124.7	3,147	9.63	No
27.06	127	16 Dickens Drive	19,994.0	3,517	10.77	No
27.06	129	12 Dickens Drive	24,655.0	3,527	10.80	No
27.06	130	10 Dickens Drive	24,655.0	3,597	11.01	No
27.06	131	8 Dickens Drive	24,655.0	4,214	12.90	No
27.06	132	6 Dickens Drive	24,655.0	4,071	12.46	No
27.06	133	4 Dickens Drive	23,653.1	3,540	10.84	No
27.06	134	2 Dickens Drive	26,963.6	4,286	13.12	Yes



Map 1: Aerial of Subject Site (scale: 1" = 200')

[https://burgis.sharepoint.com/sites/BurgisData/Shared Documents/W-DOCS/PUBLIC/Pb-3700series/Pb-3789.20/PB 3789.20 Vishal Narula - d\(4\) Variance \(ZB 21-03\).docx](https://burgis.sharepoint.com/sites/BurgisData/Shared Documents/W-DOCS/PUBLIC/Pb-3700series/Pb-3789.20/PB 3789.20 Vishal Narula - d(4) Variance (ZB 21-03).docx)

Cc: S. Surtees, WWT CD
Barbara Watson, WWT CD
Lisa Komjati, WWT CD
Edwin Schmierer, Esq., Zoning Board Attorney



Dwg Title	Project No.	Date	Drawn By
FAR Map: Comparison to R-20 FAR Requirement	3789.20	10.17.21	DN

<p>BURGIS ASSOCIATES, INC. COMMUNITY PLANNING LAND DEVELOPMENT AND DESIGN LANDSCAPE ARCHITECTURE 25 Westwood Avenue Westwood, New Jersey 07675 p: 201.666.1811 f: 201.666.2599</p>	Project Title	Scale	Dwg. No.
	14 Dickens Drive d(4) Variance Township of West Windsor Mercer County, New Jersey	1" = 150'	map 01