

IN THE MATTER OF THE APPLICATION :
OF :
NICHOLAS AND SUZANNE TSOUAKAIS :
Case 89-03 :
TO :
THE ZONING BOARD OF ADJUSTMENT OF :
THE TOWNSHIP OF HOWELL :

PLEASE TAKE NOTICE that the Zoning Board of Adjustment of the Township of Howell did on the 8th day of April, 1989, adopt a resolution granting a use variance to permit the erection of a garage for the purpose of assembling aluminum awnings, an industrial use in the ARE-1 Zone, on property known and designated on the Tax Map of the Township of Howell as Block 1, Lot 24 located on Lakewood-Allenwood Road, as a result of a hearing held on March 7, 1989 and that the decision of the Zoning Board of Adjustment is on file in the office of the Zoning Administrator of the Township of Howell.

Dated: April 18, 1989

THE ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF HOWELL

[SW] [SW]

RESOLUTION OF THE HOWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Mr. Tuyahov offered the following resolution and moved for its adoption, which was seconded by Mr. Johnson.

RESOLUTION

WHEREAS, Nicholas and Suzanne Tsoulakais as applicants, having made application to the Zoning Board of Adjustment of the Township of Howell, which application has been assigned Case No. 89-03 for the granting of a use variance and for waiver of a formal site plan for the purpose of erecting a garage in which to assemble aluminum awnings, an industrial use, on property located in the ARE-1 Zone, being known and designated on the Tax Map of Howell as Block 1, Lot 24 and being located on Lakewood-Allenwood Road, and;

WHEREAS, a meeting of the Board of Adjustment was held on March 7, 1989; and

WHEREAS, at said meeting it was established that the applicant has complied with the statutory requirements with reference to service of notice upon owners of all property within two hundred (200') from the premises in question, with publication of said notice being placed in a newspaper as required by law; and

WHEREAS, after hearing the aforesaid applicant and such witnesses as appeared in his behalf, and after

hearing all other persons appearing and desiring to be heard, the Zoning Board of Adjustment from the evidence presented found, among other things, the following facts:

1. The property required no bulk variances.
2. The property is surrounded by residences, farmlands and property owned by the Young Mens Christian Association.
3. The applicant occupies a home on the lot in question.
4. The applicant runs the same type of industry on an adjacent lot situated in Wall Township.
5. The present site has an existing dog kennel.
6. The large size of the property in question makes it suited for the proposed use and the proposed use is better than the existing kennel.
7. The applicant agreed to abandon his right to operate a dog kennel.
8. The proposed use would be less intense and less noisy.
9. The applicant demonstrated appropriate financial need to waive site plan.
10. The applicant agreed to many conditions as set forth below.
11. The proposed site would help maintain the existing character of the property by providing for maintenance of present natural buffers.
12. The application would therefore advance the purpose of the Land Use Act and its benefits substantially outweighs any detriments cover by this use.
13. No adverse environmental impact was noted.

WHEREAS, the Zoning Board of Adjustment, after

hearing the evidence presented to it in this matter finds the variance requested can be granted without substantial detriment to the Township of Howell and to the Zone Plan; and

NOW THEREFORE AS IT RESOLVED that the use variance requested and waiver of formal site plan are hereby granted, subject, however, to the following conditions;

1. The applicant, upon completion of the garage, will abandon the dog kennel use.
2. The applicant agreed to and will keep all building materials stored inside.
3. Subject to the conditions of all the reports entered into evidence during the meeting, except that driveway shall be only 25', not 30' as recommended.
4. There will be no curbing by the street or paving and the driveway shall consist of 3/4" blend stone with dust.
5. Outside of the applicants and their father-in-law only one other employee shall be on site at any given time.
6. No hazardous chemicals will be used or stored.
7. No retail sales will take place on the property.
8. A delivery truck shall come to the site no more than once a month.
9. Hours of operation will be no earlier than 8:00 am and no later than 6:00 pm.
10. The applicant will maintain the existing adequate buffering.
11. The applicant shall within twelve (12) months make the necessary applications for construction.
12. That the property in question shall be properly

graded so that no greater amount of water will be allowed to run onto any adjacent property or properties within the immediate area, nor will any other condition be permitted to exist that would adversely impact the adjacent property owners.

13. Payment of all taxes and assessments due or owing to the municipality to date.

14. No outside commercial sign will be permitted.

BE IT FURTHER RESOLVED that nothing herein can excuse compliance by the applicant with any and all other applicable requirements of the zoning ordinance, or other requirements of the municipality or other governmental subdivision as set forth in any law or laws.

BE IT FURTHER RESOLVED that a proper notice of the granting of this variance and waiver of the site plan, be published once in the official newspaper of the municipality.

ROLL CALL:

YES: Messrs. Bennett, Green, Johnson, Tuyahov, Siniscal,
Mrs. Rea, and Mr. Schure.

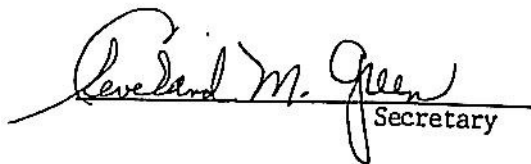
NO:

ABSTAIN:

ABSENT:

DATED:

I DO HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted at a regular meeting of the Zoning Board of Adjustment of the Township of Howell on April 18, 1989.


Secretary