

**ZONING BOARD OF ADJUSTMENT  
BOROUGH OF MIDLAND PARK**

RE: Chrysoula Panakos  
1 Susan Avenue  
Block 25.14, Lot 1  
R-1 Zone District

**RESOLUTION**

**WHEREAS**, Chrysoula Panakos (the “Applicant”) has filed an Application with the Midland Park Zoning Board of Adjustment (the “Board”) seeking approval of variance from the provisions of the Zoning Ordinance Section 34-4.5(c), rear yard setback, so as to allow for the construction of a garage addition at her existing residence located at 1 Susan Avenue, Midland Park, New Jersey (the “Property”); and

**WHEREAS**, a Public Hearing was held by the Board on August 10, 2022; and

**WHEREAS**, the Applicant’s Notice of Public Hearing has been served on all required parties and published in accordance with the requirements of the Municipal Land Use Law; and

**WHEREAS**, the Board has considered the Application and supporting documents submitted by the Applicant as they relate to the applicable provisions of the Midland Park Zoning Ordinance; and

**WHEREAS**, the Board has considered the following testimony presented at the Public Hearing:

**Testimony**

1. The Applicant provided a survey which was marked into evidence as Exhibit A1, which depicted the location of the garage addition. The survey was modified and signed by Architect Fred Klenk and dated June 13, 2022.
2. The Applicant testified that she proposed to extend the existing garage 7 feet to the east towards Susan Avenue. The garage addition would maintain a front yard setback of at least 25 feet and would make the garage approximately even with the front of the existing home. The rear yard setback to the north would be maintained as the garage is extended to the east.
3. The existing rear yard setback is 14.62 feet while the Zoning Ordinance requires a 25-foot rear yard setback. The Applicant proposes that the 7-foot addition will also have a deficient rear yard setback of 14.62 feet.
4. The Applicant testified that she would remove an area of approximately 13 feet by 10 feet of impervious area so that no lot coverage variance would be required. Therefore, the Applicant represented that the improved lot coverage would not exceed 45%.

5. The Applicant testified that the lot is undersized at 7,457 square feet where the Zoning Ordinance requires lots of 12,500 square feet. The Applicant further testified that a hardship exists by the fact that the lot constitutes a corner lot and requires two (2) front yard setbacks and a rear yard setback which faces Susan Avenue. The northern rear yard setback gives the appearance of a side yard setback when facing the house from Susan Avenue. Nonetheless, the Ordinance requires the 25-foot rear yard setback.

### **Findings of the Board**

6. The Board finds that the Applicant has proven a hardship as a result of the undersized nature of the lot as well as the fact that the lot constitutes a corner lot.

7. The Board appreciates the fact that the Applicant has amended the Application to remove approximately 13 by 10 feet of impervious area and, thereby, eliminating the necessity of a variance for improved lot coverage.

8. The Board finds that the house will blend in with other homes in the neighborhood and will be consistent with other homes in the neighborhood and, therefore, will have no substantial negative impact upon the surrounding homes.

9. The Board finds that the Applicant has met her burden of proof pursuant to N.J.S.A. 40:55D-70(c)(1) by demonstrating a hardship since the lot is undersized and is required to have two (2) conforming front yard setbacks as a corner lot.

10. The Board further finds that the granting of the variance would be consistent with the purposes of the Municipal Land Use Act and that the benefits of any deviation from the Zoning Ordinance would substantially outweigh any detriments. The Board finds that Application for variance can be granted without substantial detriment to the neighboring properties, the public good, or without substantially impairing the Zoning Plan or the Zoning Ordinance of the Borough of Midland Park. Specifically, the Board finds that the proposed garage addition will be aesthetically pleasing and consistent with other improvements in the neighborhood. Moreover, the existing rear yard setback shall be maintained.

**NOW, THEREFORE, BE IT RESOLVED**, by the Midland Park Zoning Board of Adjustment that, based upon the above findings of fact and conclusions of law, the Application of Chrysoula Panakos, as amended, for variance as described herein is hereby GRANTED and that the action taken by the Board of Adjustment on August 10, 2022 be and is hereby memorialized subject to the following conditions:

1. The Applicant is required to obtain a building permit and post all necessary fees and costs with the Borough prior to any construction.
2. All construction shall be completed in accordance with the plans and drawings marked into evidence, along with the testimony of the Applicant and her experts, and in accordance with all applicable, state, county, and municipal

codes, ordinances, rules, regulations, and in accordance with the instructions of the construction code of the Borough.

3. The variance relief granted by this Resolution applies only to such variance requests as depicted in the Resolution.
4. The Applicant shall remove existing impervious area from the site so that the improved lot coverage does not exceed the 45% maximum. An as-built plan will be provided to the Building Department of Midland Park to prove and ensure that the Applicant meets the Ordinance's improved lot coverage requirements.

**BE IT FURTHER RESOLVED** that the Acting Chairperson and Secretary of the Board are hereby authorized to affix their signatures to this Resolution confirming approval of the Application.

Approved: September 14, 2022

---

Mark Braunius, Secretary

---

Nicholas Papapietro, Acting Chairperson