

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

RE: Tom Kietur and Kristen Kietur
57 Demund Lane
Block 25, Lot 50
R-1 Zone District

RESOLUTION

WHEREAS, Tom Kietur and Kristen Kietur (the “Applicants”) filed an Application with the Midland Park Zoning Board of Adjustment (the “Board”) seeking approval of a variance from the provisions of the Zoning Ordinance Section 34-13.5(c) so as to allow the parking of their 38-foot recreational vehicle (mobile home) at their existing residence located at 57 Demund Lane, Midland Park, New Jersey (the “Property”); and

WHEREAS, a Public Hearing was held by the Board on July 14, 2021; and

WHEREAS, the Applicants’ 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 Applicants 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 Board heard testimony from Applicant Tom Kietur (“Applicant”) who stated that he and his wife wish to park their 38-foot mobile home at their residential property at 57 Demund Lane. The Applicant understood that the ordinance prohibits the outdoor parking of mobile homes that are in excess of 32 feet in length. The Applicant testified that he has been parking the mobile home in Franklin Lakes but that having the vehicle off-premises makes it more difficult to maintain and work on. In addition, the Applicant testified that a financial hardship was created by virtue of the fact that the R.V. had to be parked offsite. The Applicant provided pictures for the Board that were marked into evidence as Exhibits A-1 through A-3.

2. The Board heard testimony from neighbor Linda Wolfson who resides at 22 Demund Lane. Ms. Wolfson objected to the parking of the R.V. at the house and stated that, in the past, when the R.V. is onsite, it is in full view from Ms. Wolfson’s picture window. She states that she sees it from the kitchen window as it is located right across the street from her house. Ms. Wolfson further testified that she believed the R.V. was too big to drive on Demund Lane in a safe manner. The Board further heard testimony from Bill Wolfson of 22 Demund Lane who also voiced his objection to the parking of the R.V. on residential property.

3. The Board heard testimony from Joe Bonassi, a resident of Demund Lane, who said he had no objection to the parking of the R.V. at the Applicants' property.

Comments and Findings of the Board

4. The Board finds that the Applicants have failed to meet their burden of proof pursuant to N.J.S.A. 40:55D-70. The Applicants have failed to provide a hardship that exists under the law and further have failed to establish any special reasons that would justify the granting of the variance. Moreover, the Board finds that the parking of the 38-foot vehicle on the residential property would create a significant negative impact for the neighborhood, and it would substantially impair the zoning plan and zoning ordinance. Specifically, the parking of the R.V. would have a negative aesthetic impact upon the neighborhood and the surrounding residential neighbors.

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 Tom Kietur and Kristen Kietur for variance as described herein is hereby **DENIED**, and that the action taken by the Board of Adjustment on July 14, 2021 be and is hereby memorialized.

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

Denied: August 11, 2021

John Meeks, Secretary

Les Andersen, Chairperson