

THOMAS J. EVANS
Director of Revenue and Finance



CODE ENFORCEMENT DEPT.

DAVID BERRY
Construction Official
Zoning Official

TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

TELEPHONE: (973) 284-4957 · FACSIMILE: (973) 284-0071

October 6, 2021

Ms. Jessica Zuluaga
129 Stager Street
Nutley, NJ 07110

Re: LAE-Front Yard Fence
Side Yard Fence
129 Stager Street
Block- Lots: 7701/7

Dear Ms. Zuluaga:

Your request for a permit, at the above referenced premises, to leave as erect a four (4') foot picket fence in the front yard, and a six (6') foot solid fence in the side yard, as shown on the property survey prepared by Wm. DiMarzo & Son, Assoc., Inc., dated July 5, 2007, is denied for the following reasons:

This property is located in an R-1 district as shown on the Nutley Zoning Map.

Chapter 700, Article XI, Section 700-71 A of the Codes of Nutley, entitled "Fences and retaining walls," states that "no fences of any type shall be permitted in any front yard." *The proposed four (4') foot picket fence is located in the front yard.*

Chapter 700, Article XI, Section 700-71 B of the Codes of Nutley, entitled "Fences and retaining walls," states that "a fence erected along the side lines shall not exceed four feet in height ... and shall be of 50% open construction." *The proposed side yard fence is a six (6') foot solid fence.*

A non-refundable filing fee of \$75.00 in connection with your appeal is to be paid to the Code Enforcement Office in order to begin the application process. All tax and water bills must be paid to date prior to the processing of a variance fee.

Information on procedures for an appeal of this decision to the Board of Adjustment can be obtained from Lucy Jacobs, at 973-284-4951 x2236 or ljacobs@nutleynj.org. It should be noted that, under State Statute, notice of appeal of this decision must be filed with this office no later than twenty (20) calendar days from the date of this notice.

Any changes to the proposed plans must be submitted prior the applications being returned to the Code Enforcement Office. No changes can be made once the application is received by this office.

Sincerely,


David Berry
Zoning Official

DB/vlw



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: 2BA-20-0033

TO ALL APPLICANTS: This application form is designed to obtain from your information necessary for the processing of your application by the Zoning Board of Adjustment.

Application Fee: \$ 75 (on denial letter)

Date of Denial Letter: 10/6/21

Section I: SUBJECT PROPERTY

Address: 129 Stager St

Block: 7701 Lot: 7 Zone: R-1

District Requirements

Proposed

Lot Area		
Lot Width		
Lot Depth		
Front Yard		
Side Yard		
Rear Yard		
Other		

Section II: APPLICANT INFORMATION

Name: Jessica Zuluaga

Address: 129 Stager St.

Nutley NJ

Telephone: 516.606.2398

Email Address: zuluaga.jessica@gmail.com

Applicant is a:

 Corporation Partnership LLC X Individual

If the owner is not the applicant, the following must be provided:

Owner Name: _____

Address: _____

Telephone: _____

Email Address: _____

Section III: DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1 the names and address of all persons owning 10% of the stock in a corporation or a 10% interest in any partnership must disclosed by the applicant. In accordance with N.J.S. 40:55D-48.2, that disclosure requirement applies to any corporation or partnership which owns more than 10% interest.

Name: _____

Address: _____

Interest: _____

Name: _____

Address: _____

Interest: _____

Name: _____

Address: _____

Interest: _____

Section IV: PROPERTY INFORMATION

	Existing	Proposed
Total existing and total proposed dwelling units	_____	_____
Total existing and total proposed professional offices	_____	_____
Total existing and total proposed parking spaces	_____	_____

Present use of premises: One Family Dwelling

Has there been any previous appeal, request, or application to this or any other Township of Nutley Board or the Construction Code Official involving these premises? NO

If yes, state the nature, date and the disposition of each such matter: _____

Section V: PROFESSIONAL INFORMATION

Applicant's Attorney

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Architect

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Engineer

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Planning Consultant

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

***List any other expert who will submit a report or who will testify for the applicant.
(Attach additional sheets, if necessary)***

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____ Field of Expertise: _____

Section VI: GENERAL INFORMATION

X In the space below, state the nature of the constraints imposed by the physical characteristics of the land under consideration (i.e. exceptional narrowness, shallowness or topographic conditions).

The property has a side yard and only a small back yard area only.

X In the space below, state any other extraordinary or exceptional situation or condition of the land involved which would constrain development in accordance with Zoning Regulations

Explain how not granting this variance request would impose peculiar and exceptional practical difficulties or exceptional or undue hardship upon you.

X The existing chain metal fence ^{was} ~~is~~ no longer a secure structure as many panels had come unattached from the fence posts and were being held up by dirt. The fence was unsafe to have our dog and child around since it was a falling hazard and could allow them to escape to our busy road. We live one house from Prospect, a busy commercial road, and very close to Centre St. Our neighbor on the side also has bamboo ~~at~~ taking over their lot we are trying to block from entering our yard.

Explain how the granting of this variance will not detrimentally affect the public good or substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

X The fence is replacing the footprint of an existing fence that was here when we purchased the home - a 4ft high metal chain link in front and 6" high on the side, so it should have no further affect on the public good except in positive ways.

CERTIFICATION

STATE OF NEW JERSEY }
COUNTY OF ESSEX }

SS.

X Jessica Zuluaga, being duly sworn, hereby certify (*check one*)
➤ ☒ that I am the applicant

or

➤ _____ that I am the _____ of _____,
(Title) (Company Name)
the Applicant, and that I am duly empowered and authorized to make this representation
on behalf of _____;
(Company Name)

and that the information presented in this application is true, complete and accurate.

X J Zuluaga
Applicant/Applicant's Authorized
Officer or Representative

Subscribed and sworn to before me
this 11th day of November, 2021.

X Adler Desrosiers, Jr.
Signature of person authorized to take oaths



Adler Desrosiers, Jr.
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 11/05/2025
Comm. ID # 50142766



TOWNSHIP OF NUTLEY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT
PLANNING BOARD

CERTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET

Docket Number: ZBA-20-0033

Work Site Location: 129 Stager Street

Applicant: Jessica Zuluaga

I do hereby certify to the ownership of the properties listed on pages

1 to 3, as of October 6, 2021.

Jessica D'Onofrio
Jessica D'Onofrio
Clerk

TOWN

OF

NUTLEY,

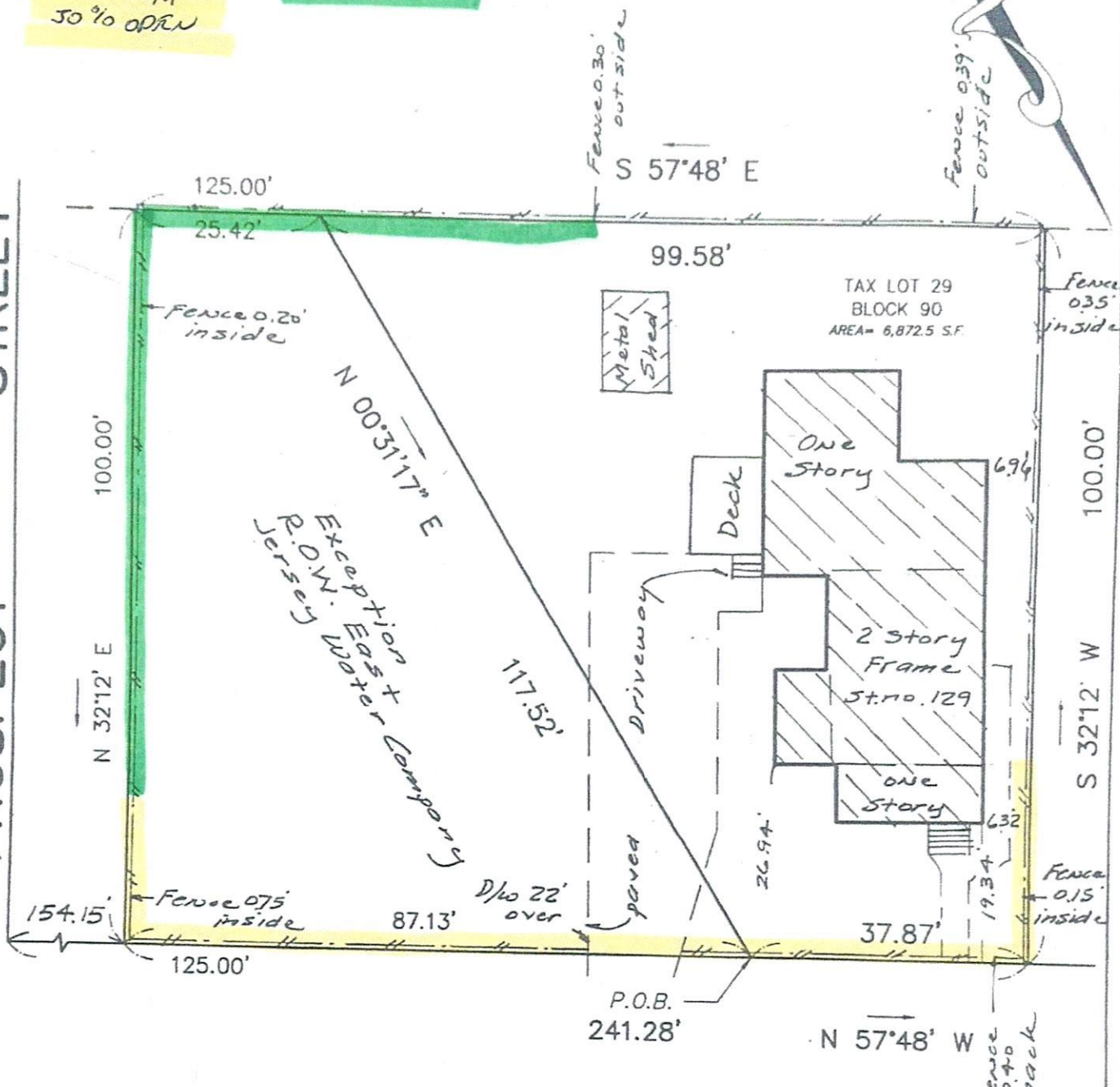
N.J.

ESSEX COUNTY

4FT. HEIGHT
PER PERMIT
50% OPEN

6 FT. HEIGHT
SOLID PANEL
PERMANENT

PROSPECT STREET



TOWN

OF

NUTLEY,

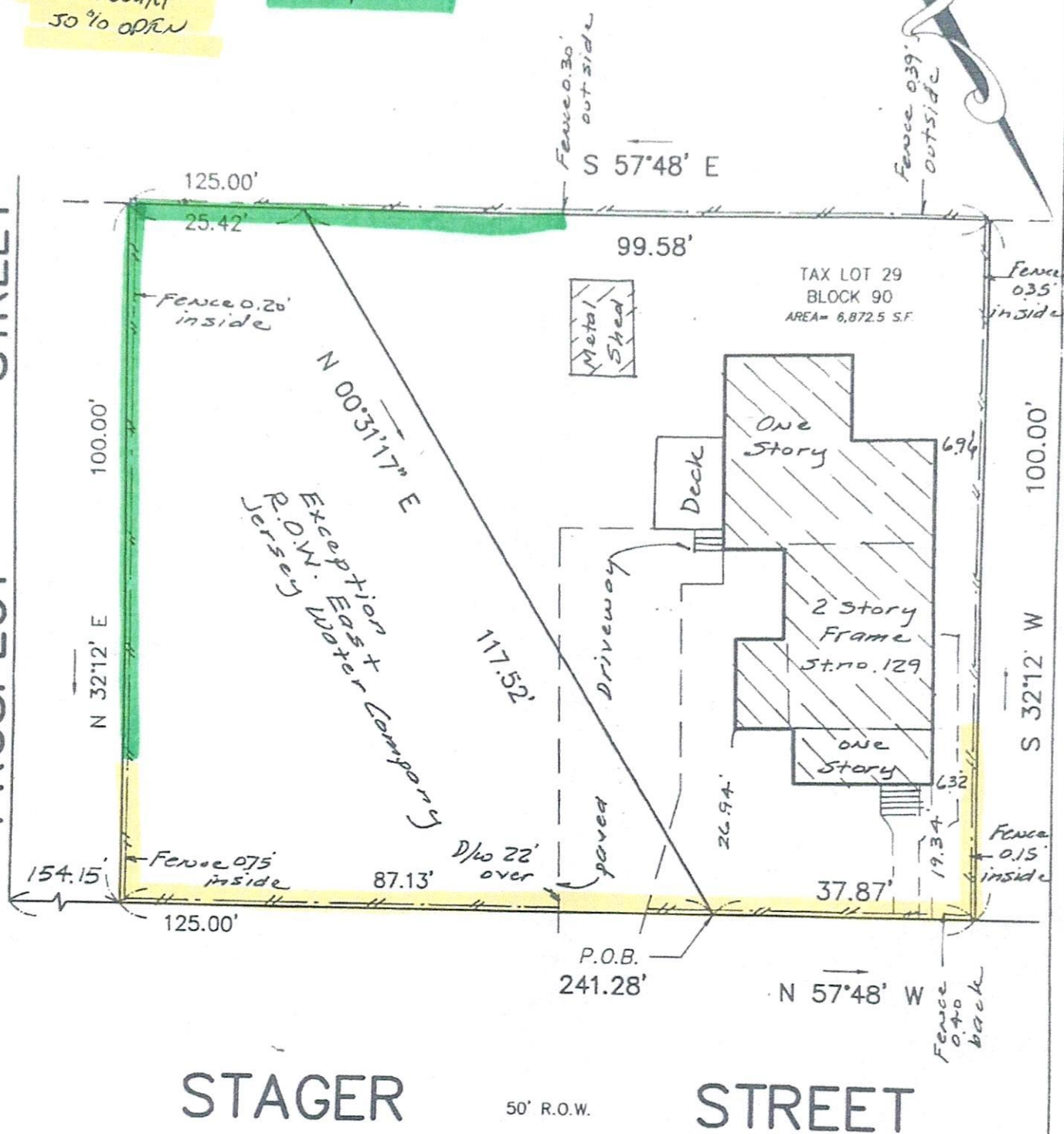
N.J.

ESSEX COUNTY

4FT. HEIGHT
PR. PERMIT
50% OPEN

6FT. HEIGHT
SOLID PANEL
PRIVACY PR.

PROSPECT STREET



THIS SURVEY IS CERTIFIED TO:

TOMMY RODRIGUES and SUSANA PEREIRA

Wm DIMARZO & SON ASSOC INC