



THOMAS J. EVANS  
Director of Revenue and Finance

CODE ENFORCEMENT DEPT.

## TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE  
NUTLEY, NEW JERSEY 07110

BUILDING  
PLUMBING  
ELECTRICAL  
FIRE  
ZONING

DAVID BERRY  
Construction Official  
Zoning Official

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

October 2, 2020

Mr. Antonino Viola  
76 Prospect Street  
Nutley, NJ 07110

Re: LAE - Widen Driveway/Front Yard Coverage  
76 Prospect Street  
Block- Lots: 9000/32

Dear Mr. Viola:

Your request, at the above referenced premises, for a permit to leave as erected the 32' driveway, which reduces the required 60% front yard coverage to 38%, as shown on the plans prepared by Salvatore Corvino, Architect & Planner, LLC, dated April 20, 2020, is denied for the following.

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

Chapter 700, Article XIII, Section 700-94 A (1) of the Codes of Nutley states no front yard of a lot upon which is located in a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the front yard. The driveway shall consist of the area directly opposite to an attached garage, detached garage or depressed garage or the extension of the side yard into the front yard. The driveway width shall not exceed 16 feet. However, if there is no garage and no available side yard, a driveway not to exceed 16 feet in width from the side lot line may be constructed. ***The driveway is 32'.***

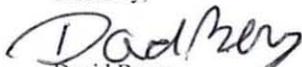
Chapter 700, Article VIII, Section 700-48 of the Codes of Nutley states any lot containing a residence for one or two families shall have at least 60% of the required front yard in landscaping. This area shall not be covered with paving, walkways or any other impervious surface. Landscaping may consist of grass, ground cover, shrubs and other plant material. ***Required front yard coverage – 60%. As built coverage 38%.***

A non-refundable filing fee of \$175.00 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 Antonette DeBlasio, at (973) 284-4957. 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/adb



# TOWNSHIP OF NUTLEY, NEW JERSEY

## ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-20-0019

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: \$ 175.00 (on denial letter)

Date of Denial Letter: 5/21/2020

### Section I: SUBJECT PROPERTY

Address: 76 Prospect Street

Block: 9000 Lot: 32 Zone: R1

	District Requirements	Proposed
Lot Area	_____	_____
Lot Width	_____	_____
Lot Depth	<u>N/A</u>	<u>N/A</u>
Front Yard	_____	_____
Side Yard	_____	_____
Rear Yard	_____	_____
Other	_____	_____

### Section II: APPLICANT INFORMATION

Name: ANTONINO VIOLA

Address: 76 PROSPECT STREET  
NUTLEY, NEW JERSEY 07110

Telephone: 973-477-6891

Email Address: ANTONINO@JJAPROPERTY.COM

Applicant is a:

Corporation  Partnership  LLC  Individual

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

Owner Name: ANTONINO VIOLA  
Address: 76 PROSPECT STREET  
NUTLEY, NJ 07110  
Telephone: 973-477-6891  
Email Address: ANTONINO@JJAPROPERTY.COM

**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	<u>1</u>	<u>1</u>
Total existing and total proposed professional offices	<u>-</u>	<u>-</u>
Total existing and total proposed parking spaces	<u>2</u>	<u>2</u>

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? YES

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

VARIANCE GRANTED FOR 350 SF REAR DECK:

ON JUNE 17, 2019 (DOCKET # ZBA-19-0021) ~~FEB~~

TOTAL BLDG COVERAGE ALLOWED = 2406 SF, ACTUAL = 2680 SF  
(OVER MAX BY 274 SF)

**Section V: PROFESSIONAL INFORMATION**

*Applicant's Attorney*

Name: N/A.

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

*Applicant's Architect*

Name: SALVATORE CORVINO, AIA

Address: 111 BROOKFIELD AVE  
NUTLEY, NJ 07110

Telephone: 973-943-5026 Fax: N/A

Email Address: SCORVINO@OPTONLINE.NET

*Applicant's Engineer*

Name: N/A.

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

*Applicant's Planning Consultant*

Name: SALVATORE CORVINO  
Address: 111 BROOKFIELD AVE.  
NUTLEY, NJ 07110  
Telephone: 973 943-5026 Fax: N/A  
Email Address: SCORVINO@OPTONLINE.NET

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

Name: N/A  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_ Field of Expertise: \_\_\_\_\_

**Section VI: GENERAL INFORMATION**

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 LAND UNDER CONSIDERATION DOES HAVE A CONSTRAINT IMPOSED BY A PHYSICAL CHARACTERISTIC IN THAT IT SLOPES DOWN FROM THE FRONT OF PROPERTY TO THE REAR APPROXIMATELY 7 FT IN HEIGHT. THE AS-BUILT DRIVEWAY WAS ALSO PAVED WIDER THAN INITIALLY DESIGNED (ORIGINAL 16 FT WIDE / AS-BUILT = 17'6" WIDE BETWEEN MASONRY PIER POSTS @ 2'6" X 2'6" EA WITH A 6'5" WIDE PAVED WALK AT THE SAME ELEV ON THE RIGHT SIDE & EXTENDED PAVED AREA OF 5'7" WIDE ON THE LEFT SIDE JR. P.L.

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

THE ADDITIONAL PAVED SURFACES IN FRONT YARD WAS NOT INTENDED FOR ADDITIONAL PARKING BUT RATHER TO MAKE THE AREA MORE AESTHETICALLY UNIFORM & FOR EASE OF MAINTENANCE (SNOW & LEAF REMOVAL) BY HAVING ONE LEVEL UNINTERRUPTED PAVE SURFACE FOR WALK & DRIVEWAY. THE TWO (2) MASONRY PIERS RESTRICT THE ABILITY TO PARK MORE THAN TWO (2) VEHICLES IN FRONT YARD IN FRONT OF GARAGE DOORS, THEREFORE, THE ADDITIONAL PAVED AREA COULD NOT BE USED FOR ADDITIONAL PARKING OR DRIVEWAY

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

NOT GRANTING THIS VARIANCE WOULD REQUIRE OWNER TO REMOVE A PORTION OF AN OTHERWISE AESTHETICALLY DESIGNED SURFACE THAT COULD NOT POSSIBLY BE USED FOR ANY ADDITIONAL PARKING OR DRIVEWAY SINCE THE TWO (2) PIERS AT THE FRONT PROPERTY LINE WHICH IT SUCH PURPOSE OR USE.

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.

THE GRANTING OF THIS VARIANCE WILL NOT DETRIMENTALLY AFFECT THE PUBLIC GOOD OR SUBSTANTIALLY IMPAIR THE INTENT & PURPOSE OF THE ZONE PLAN & ZONING ORDINANCE AS FOLLOWS:

(A) ALTHOUGH BY DEFINITION THE DRIVEWAY WIDTH IS IN VIOLATION OF THE ZONING ORDINANCE (MAX 16' WIDE ALLOWED) THE INCREASED DRIVEWAY WIDTH IS TECHNICALLY ONLY 17'6" WIDE (1'6" WIDER THAN PERMITTED AS IT IS LIMITED BY THE MASONRY PIER POST ON EACH SIDE OF DRIVEWAY. THE ADDITIONAL 1'6" IS TO PROVIDE CLEARANCE AT THOSE PERS, THE EXIST CURB CUT REMAINS 16'0" WIDE (IN COMPLIANCE)

(B) THE ADDITIONAL PAVED SURFACES ON RIGHT & LEFT SIDE OF DRIVEWAY WAS INTENDED ONLY TO CREATE A UNIFORM EVEN SURFACE FOR AESTHETIC & MAINTENANCE PURPOSE & ALIGN WITH PAVED WALK TO ENTRANCE. NO ADDITIONAL PARKING OF VEHICLES BEYOND TWO WOULD NOT BE POSSIBLE. SINCE THE PIERS RESTRICT IT, THEREFORE IT WOULD NOT CREATE A CONDITION THAT SIGNIFICANTLY VIOLATES THE INTENT & PURPOSE OF THE ZONE PLAN & ZONING ORDINANCE WITH RESPECT TO PARKING & DRIVEWAY WIDTH IN FRONT YARD.

(C) IT ALSO DOES NOT SIGNIFICANTLY VIOLATE THE COVERAGE FOR FRONT YARD (40% MAX) - ACTUAL IS 58% THE PROPERTY IMPROVEMENTS STILL COMPLY WITH. TOTAL IMPERVIOUS LOT COVERAGE (70% ALLOWED / 63.9% ACTUAL)

63.9% ACTUAL





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

**CERTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET**

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Docket Number: ZBA-20-0019

Work Site Location: 76 Prospect Street

Applicant: Viola

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

1 to 3, as of 5/29/2020.

*Antonette DeBlasio*

ANTONETTE DEBLASIO  
Technical Assistant/ZBA-PB  
Township of Nutley, NJ



# Nutley

## Parcel Offset List

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**Target Parcel(s):** Block-Lot: 9000-32  
VIOLA, JOSEPH, JOSEPHINE & ANTONINO  
76 PROSPECT STREET

27 parcels fall within 200 feet of this parcel(s).

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**Block-Lot: 9000-46**

NSP MNGMT. CO. C/O J.E. HANSON MNGMT  
725 MAIN STREET  
HACKENSACK, NJ 07601  
RE: 221 HARRISON STREET

**Block-Lot: 8902-18**

FEDE, MICHAEL & MONICA  
79 PROSPECT STREET  
NUTLEY, NJ 07110  
RE: 79 PROSPECT STREET

**Block-Lot: 9000-34**

REDSTONE, JOHN E. & KIM S.  
86 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 86 PROSPECT STREET

**Block-Lot: 9000-28**

ANDERSON, HARRY JR. & CHRISTY  
56 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 56 PROSPECT STREET

**Block-Lot: 8801-4**

KIM, D. A/K/A STEVE & KWANGSOOK  
63 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 63 PROSPECT STREET

**Block-Lot: 9000-79**

MAURIZIO, ANDREW & JESSICA  
30 HOMER AVE  
NUTLEY, NJ 07110  
RE: 30 HOMER AVENUE

**Block-Lot: 9000-30**

MAYRER, DAVID G. & ANTIONETTE C.  
66 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 66 PROSPECT STREET

**Block-Lot: 8801-5**

CHENG, KI & SUN, DAN YAN  
59 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 59 PROSPECT STREET

**Block-Lot: 9000-29**

ZEGLER, CHRISTOPHER & MAUREEN J.  
60 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 60 PROSPECT STREET

**Block-Lot: 9000-80**

BROWN, JASON N. & CATRIN  
27 HOMER AVE  
NUTLEY, NJ 07110  
RE: 27 HOMER AVENUE

**Block-Lot: 9000-15**

TOWNSHIP OF NUTLEY  
1 KENNEDY DR  
NUTLEY, NJ 07110  
RE: 38 DONNA COURT

**Block-Lot: 8902-14**

SUTLOVICH, MICHAEL A. & BIANCA  
PO BOX 554  
NUTLEY, NJ 07110  
RE: 95 PROSPECT STREET

**Block-Lot: 8902-15**

REZZONICO, PATRICIA A.  
91 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 91 PROSPECT STREET

**Block-Lot: 8902-16**

DEROGATIS, L. & G. & A. & P.  
87 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 87 PROSPECT STREET

**Block-Lot: 9000-37**

BRUGGEMANN, ANDREW & MARIA DECROCE  
94 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 94 PROSPECT STREET

**Block-Lot: 8902-17**

PARDO, JENNIFER CHRI & GREMANIS P.  
83 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 83 PROSPECT STREET

**Block-Lot: 9000-36**

SCLANO, ROBERTO & COLOM, CHRISTAL  
92 PROSPECT STREET  
NUTLEY, NJ 07110  
RE: 92 PROSPECT STREET

**Block-Lot: 9000-35**

COSTANTINO, DENISE  
88 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 88 PROSPECT STREET

**Block-Lot: 8902-19**

GOMEZCOELLO, LUIS R.  
77 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 77 PROSPECT STREET

**Block-Lot: 9000-33**

VIOLA, JOSEPH C. & ANTONINO  
80 PROSPECT STREET  
NUTLEY, NJ 07110  
RE: 80 PROSPECT STREET

**Block-Lot: 8902-20**

BEZZONE, BARBARA  
73 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 73 PROSPECT STREET

**Block-Lot: 8902-21**

FALDUTI, JOSEPH L. & EDITH M.  
71 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 71 PROSPECT STREET

**Block-Lot: 8801-3.01**

RIZZO, MICHELE & LAURA  
61 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 61 PROSPECT STREET

**Block-Lot: 8801-3.02**

RIZZO, MICHELE & LAURA  
61 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 65 PROSPECT STREET

**Block-Lot: 9000-68**

MC MILLAN, JOHN H. & KATHLEEN  
147 CRESTWOOD AVE  
NUTLEY, NJ 07110  
RE: 51 ALBANY AVENUE

**Block-Lot: 8801-2**

FUGARAZZO, JOANNE M.  
69 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 69 PROSPECT STREET

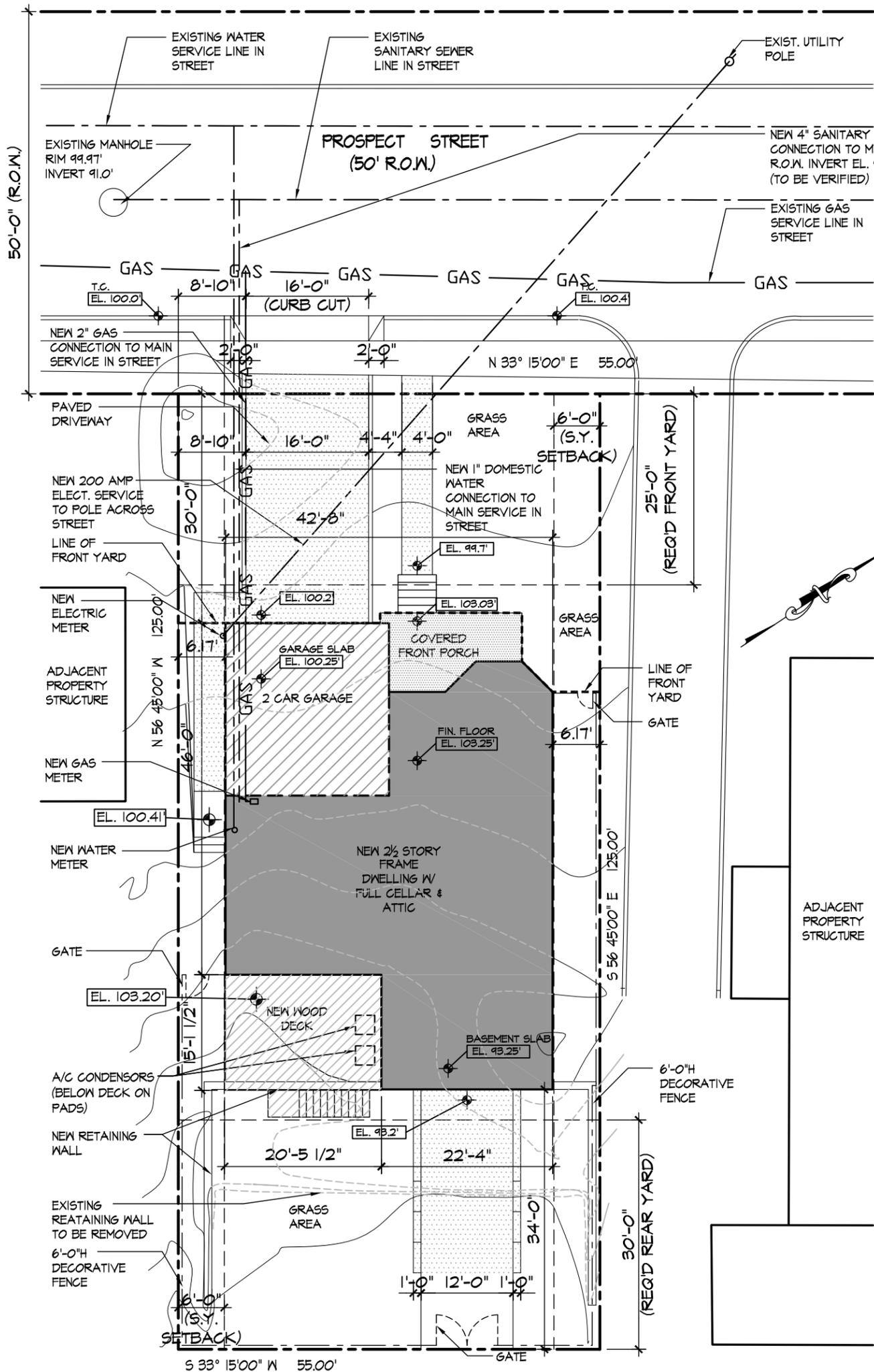
**Block-Lot: 9000-31**

LALAMA, LINDA S.  
70 PROSPECT ST  
NUTLEY, NJ 07110  
RE: 70 PROSPECT STREET

**VIOLA RESIDENCE**  
**NEW SINGLE FAMILY**  
**RESIDENCE**

76 PROSPECT STREET  
NUTLEY, NJ 07110

PROJECT # 18018  
APRIL 20, 2020



**SITE PLAN INFORMATION TAKEN FROM SURVEY**

DATED: (05-15-18)  
BY: OSTERKORN ENGINEERING ASSOCIATES  
121 GODWIN AVENUE  
WYCKOFF, NJ 07481  
CHARLES L. OSTERKORN JR., P.E., L.S., P.P.  
NJ LIC. NO. 29071

NOTE:  
DATUM BENCHMARK SHALL BE FROM MANHOLE  
RIM ELEVATION IN PROSPECT STREET  
RIM ELEVATION = 99.97'  
INVERT ELEVATION = 91.0'  
BASEMENT SLAB ELEVATION = 93.25'  
GARAGE SLAB ELEVATION = 100.25'

**BUILDING COVERAGE CALCULATIONS**

PROPOSED RESIDENCE:	2,146 SF	(31.2%)
PROPOSED FRONT PORCH:	174 SF	(2.5%)
PROPOSED REAR DECK:	356 SF	(5.2%)
TOTAL LOT COVERAGE:	2,676 SF	(38.9%)

TOTAL BLDG. COVERAGE ALLOWED = 2,406 SF (35%)

6,875 SF x .35 = 2,406 SF  
2,676 SF > 2,406 SF, THEREFORE VARIANCE REQUIRED

NOTE:  
VARIANCE GRANTED FOR 356 SF REAR DECK ON JUNE 17, 2019  
DOCKET #2BA-19-0021

**TOTAL LOT COVERAGE CALCULATIONS**

	EXISTING	PROPOSED
BUILDING	N/A	2,146 SF
FRONT PORCH	N/A	174 SF
REAR DECK	N/A	356 SF
DRIVEWAY (FRONT)	N/A	480 SF
DRIVEWAY (REAR)	N/A	340 SF
WALKS	N/A	246 SF
PATIO	N/A	196 SF
TOTAL	N/A	3,938 SF (57.3%)

TOTAL LOT COVERAGE ALLOWED = 4,813 SF (70%)

6,875 SF x .70 = 4,813 SF  
3,938 SF < 4,813 SF, THEREFORE COMPLIES

**FRONT YARD SETBACKS**

HOUSE NUMBER:	TO OPEN PORCH	F.Y. SETBACK
#94	15'-0"	20'-0"
#92	-	17'-0"
#88	8'-0"	11'-0"
#86	8'-0"	11'-0"
#80	25'-0"	31'-0"
#78	(NEW HOUSE)	30'-0"
#70	13'-0"	17'-0"
#66	19'-0"	23'-0"
#60	14'-0"	25'-0"
#56	14'-0"	18'-0"

AVERAGE FRONT YARD = (173' / 9') 19.22'  
MINIMUM FRONT YARD = 25'-0" (25'-0" > 19.22'), USE MIN. REQ'D  
FRONT YARD PROVIDED = 30'-0" (30'-0" > 25'-0", THEREFORE OK)

**FRONT YARD COVERAGE CALCULATIONS**

	EXISTING	PROPOSED
FRONT YARD AREA	N/A	1,708 SF
DRIVEWAY (FRONT)	N/A	480 SF
WALKS (FRONT)	N/A	94 SF
STAIRS (FRONT)	N/A	25 SF
WALK (SIDE)	N/A	25 SF
TOTAL COVERAGE	N/A	624 SF (36.5%)
OPEN SPACE	N/A	1,084 SF (63.5%)

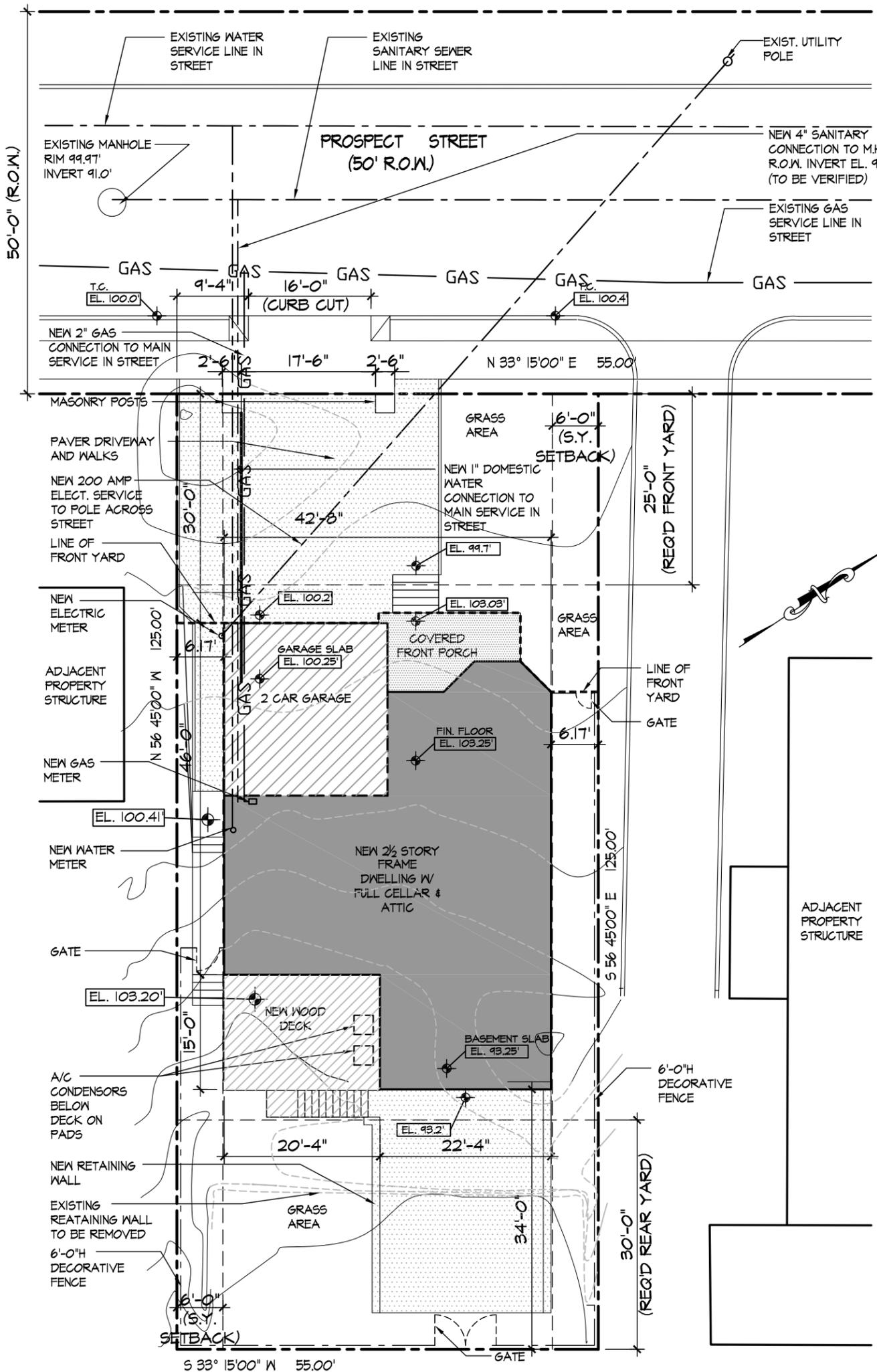
MINIMUM FRONT YARD OPEN YARD = 1,025 SF (60%)

1,708 SF x .60 = 1,025 SF (MIN. OPEN SPACE)  
1,084 SF > 1,025 SF, THEREFORE COMPLIES  
1,708 SF x .40 = 683 SF (MAX. COVERAGE)  
624 SF < 683 SF, THEREFORE COMPLIES

**VIOLA RESIDENCE**  
**NEW SINGLE FAMILY**  
**RESIDENCE**

76 PROSPECT STREET  
NUTLEY, NJ 07110

PROJECT # 18018  
APRIL 20, 2020



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BASEMENT SLAB ELEVATION = 93.25'  
GARAGE SLAB ELEVATION = 100.25'

**BUILDING COVERAGE CALCULATIONS**

PROPOSED RESIDENCE:	2,146 SF	(31.2%)
PROPOSED FRONT PORCH:	178 SF	(2.5%)
PROPOSED REAR DECK:	356 SF	(5.2%)
TOTAL LOT COVERAGE:	2,680 SF	(38.9%)

TOTAL BLDG. COVERAGE ALLOWED = 2,406 SF (35%)

6,875 SF x .35 = 2,406 SF  
2,680 SF > 2,406 SF, THEREFORE VARIANCE REQUIRED

NOTE:  
VARIANCE GRANTED FOR 356 SF REAR DECK ON JUNE 17, 2019  
DOCKET #2BA-19-0021

**TOTAL LOT COVERAGE CALCULATIONS**

	EXISTING	PROPOSED
BUILDING	N/A	2,146 SF
FRONT PORCH	N/A	178 SF
REAR DECK	N/A	356 SF
DRIVEWAY (FRONT)	N/A	525 SF
DRIVEWAY (REAR)	N/A	630 SF
WALKS	N/A	559 SF
TOTAL	N/A	4,394 SF (63.9%)

TOTAL LOT COVERAGE ALLOWED = 4,813 SF (70%)

6,875 SF x .70 = 4,813 SF  
4,394 SF < 4,813 SF, THEREFORE COMPLIES

**FRONT YARD SETBACKS**

HOUSE NUMBER:	TO OPEN PORCH	F.Y. SETBACK
#94	15'-0"	20'-0"
#92	-	17'-0"
#88	8'-0"	11'-0"
#86	8'-0"	11'-0"
#80	25'-0"	31'-0"
#78	(NEW HOUSE)	30'-0"
#70	13'-0"	17'-0"
#66	19'-0"	23'-0"
#60	14'-0"	25'-0"
#56	14'-0"	18'-0"

AVERAGE FRONT YARD = (173' / 9') 19.22'  
MINIMUM FRONT YARD = 25'-0" (25'-0" > 19.22'), USE MIN. REQ'D  
FRONT YARD PROVIDED = 30'-0" (30'-0" > 25'-0", THEREFORE OK)

**FRONT YARD COVERAGE CALCULATIONS**

	EXISTING	PROPOSED
FRONT YARD AREA	N/A	1,708 SF
DRIVEWAY (FRONT)	N/A	525 SF
WALKS (FRONT)	N/A	200 SF
STAIRS (FRONT)	N/A	30 SF
WALK (SIDE)	N/A	235 SF
TOTAL COVERAGE	N/A	990 SF (58.0%)
OPEN SPACE	N/A	718 SF (42.0%)

MINIMUM FRONT YARD OPEN SPACE = 1,025 SF (60%)

1,708 SF x .60 = 1,025 SF (MIN. OPEN SPACE)  
718 < 1,025 SF, THEREFORE VARIANCE REQUIRED  
1,708 SF x .40 = 683 SF (MAX. COVERAGE)  
990 SF > 683 SF, THEREFORE VARIANCE REQUIRED

**AS-BUILT SITE PLAN**

SCALE: 1/16" = 1'-0"