

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

REGULAR MEETING AGENDA v2

Warren Craft Meeting Room

March 6, 2024

7:30 PM

This meeting will be held in person in the Warren Craft Meeting Room. For those interested in watching on their computers, the link will be available at 7:30 PM by clicking on the "Watch the Meeting Live" icon on the Bernards Township Zoning Board of Adjustment web page. Please note that all questions/comments must be made in person.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. OPEN PUBLIC MEETING STATEMENT**
- 4. ROLL CALL**
- 5. APPROVAL OF MINUTES**
 - A.** February 7, 2024 – Regular Session
 - B.** February 15, 2024 – Special Session
- 6. APPROVAL OF RESOLUTIONS**
 - A.** Gallic, Robert J. Jr. & Theresa; Block 1701, Lot 22; 286 S. Maple Avenue; Bulk Variance; ZB23-022
 - B.** Berisha, Afrim & Danielle; Block 5701, Lot 4; 20 Gold Boulevard; Bulk Variance; ZB23-023
 - C.** Cullinan, Shaun F. & Julia F.; Block 5502, Lot 28; 177 Woods End; Bulk Variance; ZB23-025
- 7. COMPLETENESS AND PUBLIC HEARING**
 - A.** [Kane, Eric & Danielle](#); Block 501, Lot 8; 262 Childs Road; Bulk Variance; ZB23-024
 - B.** [Ackerman, Scott J. & Emily K.](#); Block 6902, Lot 11; 6 Archgate Road; Bulk Variances; ZB23-027
 - C.** [Dyszler, M./Adam, S.](#); Block 7301 Lot 51; 50 Liberty Corner Road; Bulk Variance; ZB23-019
 - D.** [Kececi, Erol & Kathie](#); Block 7201 Lots 30-31; 99-111 Mine Brook Road; Bulk Variance; ZB24-001
- 8. COMMENTS FROM MEMBERS**
- 9. COMMENTS FROM STAFF**
- 10. ADJOURN**

02/27/2024 ds

**TOWNSHIP OF BERNARDS
2023 ZONING BOARD OF ADJUSTMENT APPLICATION**

RECEIVED

NOV 8 2023

PLANNING/ZONING BOARDS

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|------------------------------------------------------------------------------|------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance | <input type="checkbox"/> Appeal of Zoning Officer's Decision |
| <input type="checkbox"/> Use ("d") Variance | <input type="checkbox"/> Interpretation of Zoning Ordinance |
| <input type="checkbox"/> Conditional Use ("d") Variance | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance | <input type="checkbox"/> Major Subdivision - Preliminary / Final |
| <input type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Other (specify): _____ |

1. APPLICANT: ERIC and JULIANNE KANE
Address: 262 CHILDS Road
BASKING RIDGE, New Jersey 07920
Phone: (home) _____ (work) _____ (mobile) 908 552-5888 (ek ce)
Email (will be used for official notifications): ekane@email.com

2. OWNER (if different from applicant): _____
Address: _____
Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: _____
Address: _____
Phone: _____ Email (will be used for official notifications): _____

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):

Name: JONATHAN E BOOTH Profession: ARCHITECT
33 BULLION ROAD
Address: BASKING RIDGE, New Jersey 07920
Phone: 908 304-3782 Email (will be used for official notifications): JONBOOTH@GMAIL.COM

5. PROPERTY INFORMATION: Block(s): 501 Lot(s): 8 Zone: R-1
Street Address: 262 CHILDS Road Total Area (square feet/acres): 60,244 sq ft 1.38 ac

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? ☐ No ☒ Yes (if yes, explain or attach Board resolution) PRIOR VARIANCE APP'N from 2002 (#02-27), WHICH ALLOWED A REAR YARD SETBACK of 18.24'

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain) _____

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

[] No [] Yes (if yes, explain) NOTE, THE SURVEY PROPERTY DESCRIPTION EXTENDS TO THE R.O.W. CENTERLINE @ CHILDS ROAD FOR THE PURPOSE OF ZONING ANALYSIS, THE 33' 1/2 R.O.W. HAS BEEN OMITTED.

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:

SUBJECT PROPERTY IS A NONCONFORMING 1.38 AC LOT IN THE R-1 ZONE. EXISTING RES- IS 2 STORY 4405 SQ FT, REQUESTING A 2 STORY 264 SQ FT ADDITION

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):

VARIANCE RELIEF IS SOUGHT FROM THE FOLLOWING ORDINANCE SECTIONS: 21-11.2, 21-15-1 (D) AND TABLE 501 SPECIFICALLY, TO PERMIT A REAR YARD SETBACK OF 47' TO PRING STREET, WHERE A MIN OF 100' IS REQUIRED, AND 18.24 EXISTS.

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:

SEE ATTACHED

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, ERIC KANE and JULIANNE KANE hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): E Kane and Julianne Kane

Sworn and subscribed before me, this 03 day of NOVEMBER, 2023

Bipin Sabharwal
Notary

BIPIN SABHARWAL
Commission # 50121664
Notary Public, State of New Jersey
My Commission Expires
January 29, 2025

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application,

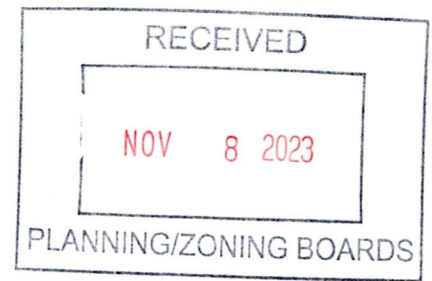
hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 20__.

Notary

Kane
262 Childs Road
blk 501 lot 8



11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:

1. Hardship due to Undersized Lot, Irregular Lot Shape
and Placement of the Existing Residence

The existing property is an undersized lot in the R-1 zone. The property, and the principal residence on it, predate the establishment of the zoning ordinance.

When the R-1 setbacks are prescribed, there is no conforming building envelope available for expansion of the residence.

A variance application in 2002 approved an addition resulting in the current 18.24' rear yard setback.

The proposed addition requests a rear yard setback of 42'.

The addition is modest in scale (two story but only 264 sf in total), and 'infills' a portion of the house that will have limited visual impact to adjoining property owners

TOWNSHIP OF BERNARDS
2023 ZONING BOARD OF ADJUSTMENT APPLICATION

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PLANNING/ZONING BOARDS

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|------------------------------------------------------------------------------|------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance | <input type="checkbox"/> Appeal of Zoning Officer's Decision |
| <input type="checkbox"/> Use ("d") Variance | <input type="checkbox"/> Interpretation of Zoning Ordinance |
| <input type="checkbox"/> Conditional Use ("d") Variance | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance | <input type="checkbox"/> Major Subdivision - Preliminary / Final |
| <input type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Other (specify): _____ |

1. APPLICANT: SCOTT AND EMILY ACKERMAN
6 ARCHGATE ROAD
Address: BASKING RIDGE, NEW JERSEY 07920
Phone: (home) _____ (work) _____ (mobile) 201 410-9022
Email (will be used for official notifications): nj.scott1178@yahoo.com

2. OWNER (if different from applicant): _____
Address: _____
Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: _____
Address: _____
Phone: _____ Email (will be used for official notifications): _____

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):
Name: JONATHAN E. BOOTH Profession: ARCHITECT
33 BULLION ROAD
Address: BASKING RIDGE, NEW JERSEY 07920
Phone: 908 204 9527 Email (will be used for official notifications): jonbootharlc@gmail.com

5. PROPERTY INFORMATION: Block(s): 6902 Lot(s): 11 Zone: R-4
Street Address: 6 ARCHGATE ROAD Total Area (square feet/acres): 1,955 sq ft / 41,584 sq ft

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain or attach Board resolution) _____

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain) _____

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

[☒] No [] Yes (if yes, explain) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: SUBJECT PROP
IS A .95 AC CORNER LOT IN THE R-4 ZONE, WITH A 2524 SQ SINGLE FAMILY RES.
THE PROPOSAL REMOVES A NONCONFORMING 192 SQ. SUNROOM, AND ADDS A
1 STORY, 394 SQ ADDITION REQUIRING VARIANCE RELIEF

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):

VARIANCE RELIEF IS SOUGHT FROM THE SECTIONS: 21-11.2, 21-15-1(d), Table 501.
SPECIFICALLY, TO PERMIT A REAR YARD SETBACK OF 61.2', WHERE A MIN OF 75'
IS REQ'D, AND 63.6' EXISTS AND b) TO PERMIT LOT COVERAGE OF 15.31%, WHERE
A MAX OF 15% IS ALLOWED

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: _____

THE PROPERTY IS SEVERELY CONSTRAINED BY THE PRESCRIBED 75' SETBACKS.
AS A CORNER LOT (WITH 2 FRONT AND 1 REAR) THERE IS A LIMITED BUILDING ENV.
THE PROJECT OBJECTIVES CANNOT BE ACCOMPLISHED IN THE AVAILABLE ENVELOPE.

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

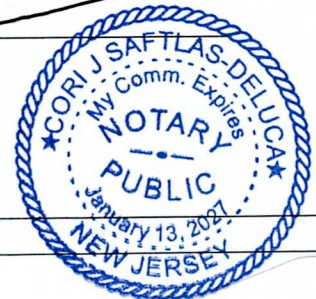
APPLICANT(S) SIGN HERE:

I/we, Emily Ackerman and Scott Ackerman hereby depose and say that
all of the above statements and the statements contained in the materials submitted herewith are true and
correct.

Signature of Applicant(s): Emily Ackerman and Scott

Sworn and subscribed before me, this 3 day of December, 2023.

[Signature]
Notary



OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property
owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application,

hereby authorize _____ to act as my/our agent for purposes of making
and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all
conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 20__.

Notary

**TOWNSHIP OF BERNARDS
2022 ZONING BOARD OF ADJUSTMENT APPLICATION**

RECEIVED

SEP - 8 2023

PLANNING/ZONING BOARDS

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|------------------------------------------------------------------------------|------------------------------------------------------------------|
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| <input type="checkbox"/> Use ("d") Variance | <input type="checkbox"/> Interpretation of Zoning Ordinance |
| <input type="checkbox"/> Conditional Use ("d") Variance | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance | <input type="checkbox"/> Major Subdivision - Preliminary / Final |
| <input type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Other (specify): _____ |

1. APPLICANT: Michael Dyszler / Stephanie Adam
Address: 50 Liberty Corner Rd
Phone: (home) N/A (work) _____ (mobile) (312) 590-1833
Email (will be used for official notifications): mdyszler@gmail.com

2. OWNER (if different from applicant): _____
Address: _____
Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: N/A
Address: _____
Phone: _____ Email (will be used for official notifications): _____

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):
Name: Gary Chiang Profession: Engineer
Address: 237-1 Burr Rd, Burlington, NJ 08016
Phone: 609-556-4915 Email (will be used for official notifications): MGCASSOCIATESLLC@gmail.com

5. PROPERTY INFORMATION: Block(s): 7301 Lot(s): 51 Zone: R-1
Street Address: 50 Liberty Corner Rd Total Area (square feet/acres): 173,324 sq ft / 3.98 ac.

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain or attach Board resolution) _____

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain) _____

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

[☒] No [] Yes (if yes, explain) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: _____

Existing single family dwelling proposing to construct an
in-ground swimming pool, pavilion and patio

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.): _____

Section 21-18.1 whereas the proposed pool is not behind the rear
building line of an adjacent existing residential structures on adjoining lot

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: _____

unique location of neighboring dwellings.

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, Michael Aggeler and Stephanie Adams hereby depose and say that
all of the above statements and the statements contained in the materials submitted herewith are true and
correct.

Signature of Applicant(s): _____ and _____

Sworn and subscribed before me, this 16th day of August, 2023

Notary Lauren Manduke
Attorney at law

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property
owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application,

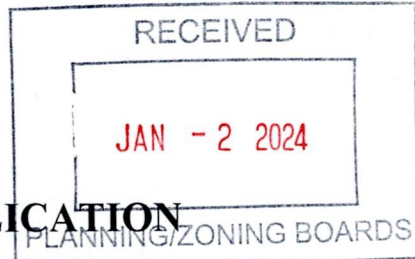
hereby authorize _____ to act as my/our agent for purposes of making
and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all
conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 20__.

Notary _____

TOWNSHIP OF BERNARDS
2023 ZONING BOARD OF ADJUSTMENT APPLICATION



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| <p><input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance</p> <p><input type="checkbox"/> Use ("d") Variance</p> <p><input type="checkbox"/> Conditional Use ("d") Variance</p> <p><input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance</p> <p><input type="checkbox"/> Site Plan - Preliminary / Final</p> | <p><input type="checkbox"/> Appeal of Zoning Officer's Decision</p> <p><input type="checkbox"/> Interpretation of Zoning Ordinance</p> <p><input type="checkbox"/> Minor Subdivision</p> <p><input type="checkbox"/> Major Subdivision - Preliminary / Final</p> <p><input type="checkbox"/> Other (specify): _____</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1. APPLICANT: Erol + Kathie Kececi

Address: 13 Franklin Place, Building 6C, Morristown, NJ 07963

Phone: (home) _____ (work) _____ (mobile) _____

Email (will be used for official notifications): KathieKececi@hotmail.com

2. OWNER (if different from applicant): Louis and Melanie Novello

Address: 180 Hillcrest Rd., Watchung, NJ 07069

Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: Anthony J. Spasaro, Esq.

Address: 360 Route 24, Suite 3, Chester, NJ 07930

Phone: (908) 879-8400 Email (will be used for official notifications): ASPOSARO@NJFARM4LA.COM

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):

Name: Ryan Smith, P.E. Profession: Engineer

Address: 460 Main St., Chester, NJ 07930

Phone: (908) 879-6646 Email (will be used for official notifications): R.Smith@YVALLC.COM

5. PROPERTY INFORMATION: Block(s): 7201 Lot(s): 30 + 31 Zone: R-4

Street Address: 99 Mine Brook Rd. Total Area (square feet/acres): 99 Lot 30 - 2.134 acres
Lot 31 - 1.604 acres
Lot 30 - 92,978 S.F. Lot 31 - 69,887 S.F.

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain or attach Board resolution) _____

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? ☒ No ☐ Yes (if yes, explain) _____

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY? _____

☒ No ☐ Yes (if yes, explain) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: Vacant land. Proposed single family home with pool and associated improvements

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.): See annexed Statement of Reasons

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: See annexed Statement of Reasons

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, EROL KECECI and Kathie Kececi hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): [Signature] and [Signature]

Sworn and subscribed before me, this 29 day of DECEMBER, 2023

Notary [Signature]

JENNIFER STEETS
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires December 11, 2027

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, Louis + Melanie Novello the owner(s) of the property described in this application, hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): [Signature] [Signature]

Sworn and subscribed before me, this 22nd day of December, 2023

Notary [Signature]

SHARDA MISHRA
NOTARY PUBLIC
State of New Jersey
ID # 50066423

My Commission Expires 8/21/2027

JAN - 2 2024

PLANNING/ZONING BOARDS

STATEMENT OF REASONS

The applicants are purchasers under contract for this undeveloped parcel in question. This purchase is contingent upon securing approval for the construction of a single family home on the property, together with an in ground lap pool. The proposed improvements comply with all bulk standards in the Township zoning ordinance except one.

Section 21-18.1, Private Swimming Pools provides:

The surface area of a private swimming pool hereafter constructed or enlarged shall not exceed 25% of the area of the rear yard. No part of any pool, including water area and surrounding patios, regardless of material, or decks shall be located closer than 20 feet to any property line. **In all cases the pool shall be located behind the rear building line of existing residential structures on adjoining lots.** [Emphasis added.]

Although the proposed lap pool does not exceed 25% of the rear yard and is not closer than 20 feet to any property line, it is not located behind the rear building line of the existing home on adjoining Lot 29.

The subject property is constrained by the existence of wetlands in the front of the lot. The same holds true for adjoining Lot 29. As a result, the construction on adjoining Lot 29, a larger, deeper lot, is located to the rear. Given these environmental constraints, the house and pool location proposed by the applicants is the only place where these proposed improvements can be constructed. Because of the location of the existing improvements on adjacent Lot 29, it is impossible for the applicants to comply with the ordinance requirement referred to above.

This application presents a classic case for c (1) variance relief. As for the positive criteria, c (1) relief is warranted when by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully thereon, the strict application of the zoning ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of the property. The extraordinary and exceptional situation affecting this property are the existing improvements and their location on adjoining Lot 29. There is nothing these applicants can do to change this. And there are no other adjoining undeveloped properties that can be acquired to reduce or eliminate the variance requested. They are all developed.

With respect to the negative criteria, the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent and the purpose of the zone plan and zoning ordinance. The pool proposed by the applicants is not your typical recreational pool with a slide, diving board or other recreational amenities. It is a lap pool with dimensions of only 15' x 50'. The water will be only four feet deep. Its purpose and function is limited, namely a means of exercise for the applicants.

Because of the foregoing, the potential impact upon adjoining property owners will be all

but nonexistent. This lap pool will not be the focal point for the applicants' summertime outdoor recreational activities. To the contrary, its use by the applicants will be quiet, unassuming and essentially undetectable by the neighbors. That is exactly how the applicants want it.

In order to maintain their own privacy as well as the quality of life of their neighbors, the applicants propose substantial plantings to robustly screen the pool from their neighbors. Given all of the foregoing, there will be no substantial detriment to the public good, nor any substantial impairment of the intent and purpose of the zone plan and zoning ordinance.