

**RESOLUTION
BOROUGH OF BUTLER
PLANNING BOARD
IN THE MATTER OF
DAVID HENNING AND MICHELLE HENNING
APPLICATION NO.: NC 23-69
CERTIFICATE CERTIFYING NONCONFORMING USE
PURSUANT TO N.J.S.A. 40:55D-68**

WHEREAS, David Henning and Michelle Henning, (hereinafter referred to as the “Applicant”) have made an Application to the Borough of Butler Planning Board (hereinafter referred to as the “Board”), for the issuance of a certificate certifying that the property known as 21 Ogden Terrace, contained a legal two-family use, pursuant to a prior use variance; and

WHEREAS, the subject property is known as Block 14.01, Lot 24.04, as shown on the Tax Map of the Borough of Butler, and is located at 21 Ogden Terrace, in the Single Family Residential Zone District; and

WHEREAS, a public hearing was conducted on July 20, 2023; and

WHEREAS, the Board has heard comments and testimony from the Applicant and with the public having had the full opportunity to be heard; and

WHEREAS, a complete Application has been filed, the fees required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

NOW THEREFORE, the Planning Board makes the following findings of fact and conclusions of law based upon the evidence presented at its public hearing, at which a record was made:

1. The Application before the Board involves a request to allow the continuation of a two-family use on the subject property, which is now located in a single-family residential zone.

2. On the basis of the testimony presented to the Board and confirmed by Member James Brown, it is a fact that the property was in two-family use based upon the municipal records and the property has remained in two-family use since the introduction of Land Use Zoning in the Borough of Butler. Therefore, the subject property shall be considered as a non-conforming use and/or structure for the purpose of this Application, allowing unrestricted two-family use.

3. In that the proceedings in this matter were voice recorded, the recital of facts in this Resolution is not intended to be all inclusive, but a summary and highlight of the complete record made before the Board.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Butler Planning Board that the Application of **David Henning and Michelle Henning**, for Block 14.01, Lot 24.04, requesting that the subject property be certified as a non-conforming two-family use, is hereby approved.

The undersigned certifies that the within action was taken by this Board on July 20, 2023 and memorialized herein pursuant to N.J.S.A.40:55D-10(g) on August 10, 2023.

FOR:

AGAINST:

ABSTAIN: