

estate division can opt to work through our main office or at a professional building that houses Century 21 Crestmere Realty.”

Expanded facilities and convenience for our clients will result from this additional office, Mr. Azrak and his legal team explain.

This blend of allied professionals will provide ‘one-stop shopping’ for those seeking that convenience, Mr. Azrak and his legal team explain.

Jury Duty — Part 3 — The Verdict

In our last two newsletters, we discussed the jury duty procedures and what you can expect to occur during the trial. The third and final part of this article addresses the verdict.

Once all evidence has been presented, the attorneys are given an opportunity to make their closing statements to the jury. At this point, attorneys often become quite animated and even histrionic. Although the judge will instruct the jury that what the lawyers say at this time is not evidence in the case, it is nonetheless important that evidence that may seem irrelevant and obscure during the trial can become crucial after an explanation of how it fits into the rest of the case. Trials should not be decided on by which lawyer is better at talking to a jury; however, it is a known fact that the lawyer who can clearly and reasonably explain to a jury what their case is about and why their client should prevail, often will.

Following summations, the judge will give an instruction to the jury on the law. The jury is asked to listen particularly closely to the instructions given and during this phase, no one is allowed to enter or leave the courtroom. In very complicated cases, the jury may be

given instructions in writing to take back with them to the jury room, but this instance is extremely rare. Normally, jury members must listen and rely on their memory when they get back to the jury room to deliberate.

The jury is entitled to ask questions of the judge during the course of deliberations. However, the judge can only respond in limited ways since he or she does not want to invade the jury’s province by making rulings on the facts or to give an impression of favoring one side or the other. Questions may be answered very tersely with a yes or no or a judge may decide merely to read-back a portion of the jury instructions to re-instruct them on the issue. The jury is permitted to ask for a read-back of testimony; however, that can become a tedious process based on the great amount of time expended in searching the record of the court stenographer to find the references and to sit and listen to them being read aloud.

Nothing standard can be said about jury deliberations. Every jury deliberates in its own way and pursuant to its own internal rules. Frequently, a debate can be quite intense and the jurors have been known to complain about pressure from other jurors in the course of very serious trials.

Generally, however, the jurors develop a bond during the process of serving the jury and are respectful of each other’s point of view and opinions. After deliberations, a vote will be taken and if a verdict is not reached on the first vote, then subsequent votes can be held following additional deliberation. When a verdict has actually been reached, a note is handed to the court and the jury is brought back into the jury room. In New Jersey, the foreperson (a juror picked by the judge to be the spokesperson) hands a note to the court clerk

containing the verdict and the judge examines it and hands it back to the clerk for return to the foreperson. The foreperson then reads the verdict aloud to the courtroom.

The clerk of the court records the verdict. The unsuccessful attorney is then entitled to have the jury polled. This is a process where the judge will ask jurors individually whether or not they agree with the verdict. In a criminal case, if one juror says no then the case is sent back to the jury room for further deliberation. Once the verdict has been delivered and accepted by the court, the jury is then discharged with the court’s thanks.

Hopefully, if you have served through this process, your life has been enriched by your exposure to what is undoubtedly the best legal system in the world. Although jurors bring their preconceptions, prejudices, and personal problems with them to jury duty, persons who are selected to serve and hear a trial very often are able to rise above personal issues and decide the case fairly and competently.

Juries are well known for bringing common sense to highly technical and troublesome issues.

If you missed the first two parts of this article and are interested in receiving them, please call the law offices of Azrak & Associates, L.L.C. at 973-839-9062 to request copies or visit our website at www.azraklaw.com.

Expanding and Improving Your Lifestyle: Variance Considerations For Homeowners

- Another baby arrives and your family is now officially bursting at the seams of your present home.

- An expansion is necessary because you want to open a home office.
- A few pennies saved has influenced your decision to enjoy life a little more with a new deck or pool in the back yard.
- Your business requires a new location or building.

The ever-increasing home improvement boom of recent years has prompted more “do -it-yourselfers” to stay and expand or improve their present residence instead of relocating their families. These people are finding out that it isn’t always as simple as it seems to accomplish those goals.

Perhaps your business is in need of expansion. Whether the building needs to be removed, or a vacant lot is to be developed, considerations must be given to zoning and municipal land use issues.

In addition to obtaining a building permit from your local construction code official, often a “variance” is required. By definition, a variance is a request to a municipal planning or zoning board to depart or vary from the literal terms of your local zoning ordinance so that you can use your property in a certain way.

There are different kinds of variances. The first kind is called a “use” variance. Every municipality in the State of New Jersey has a zoning map and a zoning ordinance. In your town, the governing body has divided the entire community into zones which are commonly identified on the map and in the zoning ordinance as Residential, Commercial, or Industrial to name a few of the most common. It is important to note that there is no municipality that is different.

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would initially identify the particular zone in which your property is located. Know that even in the case of a residential zone, there are often different types or classes within that category.

It is important that the provisions of your particular type of zone be reviewed in detail to determine what type of improvements are allowed, under what conditions, and in what manner and dimension.

Permitted uses within the designated zone must then be reviewed. Not all residential zones permit home office uses. In addition to the use itself, thought must be given to possible regulations regarding the number and size of any signs that may be placed on your property for advertising your home-based business. Neither do all residential zones allow a multi-family use. Consequently, if you have a loved one who is ailing and not getting around the way they used to, and you want to build a separate apartment for them in your existing home, you may be required to follow necessary variance procedures to obtain municipal approvals before you can modify the use of your existing residence.

Note that commercial accounts have similar restrictions and an analysis must be made before purchasing property for development and/or expansion.

Another type of variance is generally referred to as a bulk variance.

This refers to a deviation from the dimensional requirements as set forth in the municipal ordinance for your particular zone. That is, the boundaries of your front yard, rear yard, side yard, lot coverage, height and other area may not

conform to municipal standards once your improvement is completed. A bulk variance is then necessary. A common example is a proposed deck or swimming pool that encroaches upon a side or rear yard (i.e. the pool or deck is within 27 feet of the rear boundary line which would violate the 30-foot rear yard requirement of your zone as set forth in the ordinance.)

A current trend in zoning law is for many communities to enact requirements concerning the erection of fences. Where a community has such provisions in their ordinance, it is common that fences are not permitted in a front yard or to be over six-feet high in any other area. To allow deviations, again, a bulk variance would be required.

Common requirements incidental to a variance application might include a sketch, survey, or site plan of the proposed development, proof that you are current in your taxes, and notice to other property owners in your vicinity whose own property may be affected by your improvement.

You can streamline your efforts and save considerable time and headaches by retaining competent, experienced counsel to pave the way toward success in achieving your improvement goals. The attorneys at Azrak & Associates have solid in-depth experience in zoning and planning applications from both the municipal and owner points of view. They have been involved in variance and other local board applications for well over 28 years and take significant pride in the successes achieved over that time. Avail yourself of a free consultation or schedule an appointment to review the ideas you have which could easily become a reality by calling our