

TOWNSHIP OF MIDDLETOWN

Zoning Board of Adjustment and Appeals

1 Kings Highway
Middletown, NJ 07748-2594

JAMES HINCKLEY
Chairman



AMY H. SARRINIKOLAOU, P.P., A.I.C.P.
Director of Planning

ERIN URIARTE
Zoning Board Secretary

Tel: (732) 615-2102
Fax: (732) 615-2103

TECHNICAL MEMORANDUM

DATE: June 11, 2021
BOARD: Zoning Board of Adjustment and Appeals
APPLICATION: Murphy (#2021-004)
50 Belvins Avenue
Block 998, Lot 74
R-30 Zone
Bulk "C" Variances for Maximum Building and Lot Coverage

PROJECT DESCRIPTION & VARIANCE SUMMARY

The applicant is proposing to construct a 798 square foot in ground swimming pool with a 1,292 square foot associated patio and a 196 square foot pavilion and associated improvements. Variance relief is required for maximum building coverage where 12.66% is proposed and 10% is the maximum permitted; and for maximum lot coverage where 23.06% is proposed and 15% is the maximum permitted.

PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USES

The subject property, containing an area of 30,000 square feet, is located on Belvins Road in the R-30 Residential Zone District. The site is currently developed and contains a 2-story single-family dwelling unit, accessory shed and associated driveway.

The subject property is surrounded by predominantly residential uses in the R-30 Zone District. Middletown High School South sport fields and woods backs up to the subject property.

PLANNING COMMENTS

A. Variances

The proposed development requires variance relief from the maximum building and lot coverage requirements.

1. Section 540-910.B(2)(a) permits a maximum building coverage of 10%. The existing building coverage is already over at 12%, which will then increase to 12.66% with the proposed pavilion outdoor bar.
2. Section 540-910.B(2)(b) permits a maximum lot coverage of 15%. The existing lot coverage is already over at 16%, which will then increase to 23.06% with the proposed improvements.

Many Neighborhoods. One Middletown!

Belford ◦ Chapel Hill ◦ Fairview ◦ Harmony ◦ Leonardo ◦ Lincroft ◦ Locust ◦ Middletown Village
Monmouth Hills ◦ Navesink ◦ New Monmouth ◦ North Middletown ◦ Nut Swamp ◦ Oak Hill ◦ Port Monmouth ◦ River Plaza

Statutory Requirements for the granting of bulk variance relief

Based on the Municipal Land Use Law standard for granting bulk variance relief, the applicant shall indicate to the Board whether a “hardship” variance or “flexible C” variance will be sought for the bulk variances indicated above, and provide testimony supporting the chosen approach.

Physical Characteristics - N.J.S.A. 40:55D-70.C(1) (a/k/a Hardship Variance) – Testimony should indicate if strict application of the coverage (building and lot) requirements would result in peculiar and exceptional difficulties, or exceptional and undue hardship, to the applicant.

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property;
- By reason of an extraordinary or exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

Benefits Outweighing Detriments - N.J.S.A. 40:55D-70.C(2) (a/k/a Flexible C Variance) - The applicant may also establish, in the absence of proving “hardship,” whether the granting of a variance will further the purposes of the Municipal Land Use Law, and if the benefits of granting the variance will substantially outweigh any detriment.

Negative Criteria - Additionally, with any type of C variance, testimony should confirm that the proposed improvements requiring bulk variance relief will not create a substantial detriment to the public good or substantial impairment of the intent and purpose of the Master Plan and the Zoning Ordinance.

MISCELLANEOUS

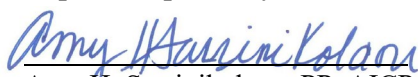
1. Grading Plan approval from the Township Engineer shall be made a Condition of Approval.

DOCUMENTS REVIEWED

- Plan of Outdoor Improvements for the Murphy Residence, 50 S. Blevins Ave, consisting of one sheet, prepared by EP Henry, dated January 26, 2021;
- Zoning Officer denial letter dated March 17, 2021;
- Plan of Survey, consisting of one sheet, prepared by Seneca Survey Co., Inc., dated August 25, 2017;
- Certification of taxes; and
- Statement of Project and Variances Requested, undated.

I reserve the right to make additional comments based upon the submission of additional documents or testimony presented to the Board.

Report Prepared by:



Amy H. Sarrinikolaou, PP, AICP
Director of Planning

LOCATION MAP

