

TOWNSHIP OF MIDDLETOWN
Zoning Board of Adjustment and Appeals

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TECHNICAL MEMORANDUM

DATE: August 13, 2021
BOARD: Zoning Board of Adjustment and Appeals
APPLICATION: Henry Gass and Denise Gass-Roskowski
23 Briarcliff Place, Port Monmouth
Block 234, Lot 6
Residential (R-7) Zone
Request for Certification of Pre-Existing Non-Conforming Use

PROJECT DESCRIPTION

The applicant seeks certification of a pre-existing non-conforming use located at 23 Briarcliff Place for an existing detached garage with an apartment in the Residential (R-7) Zone.

PROPERTY DESCRIPTION

The subject property is located on Briarcliff Place, and presently contains a single family home and detached garage with an apartment.

The subject property is located in and surrounded by the Residential (R-7) Zone to the south, east and west; and the Residential (R-10) Zone to the north. Single family homes surround the property. There was a recently approved minor subdivision for two single family residential lots adjacent to the site to the west.

PLANNING COMMENTS

1. Certification of Pre-Existing Non-Conforming Use

In accordance with 40:55D-68, the Zoning Board may consider the issuance of a certificate of pre-existing non-conforming use for the garage apartment as long as the following conditions are met by the applicant:

- Provide a description of the use as it currently exists including character, extent, and intensity.
- Demonstrate continuous use as a detached garage with apartment.
- o Has the applicant ever rented space out to uses other than the apartment use?

- Demonstrate that the subject garage apartment use existed before the adoption of the ordinance which rendered the structure non-conforming.
- Trace the non-conforming history of the property back to the zoning ordinance in existence at the time the use in question commenced.

We offer the following Middletown Township zoning history as of 1968. Our office does not have zoning maps on file older than 1968.

-In 1968 through 1992, the subject site was in the R-15 Zone. Garages were not permitted to be used for living purposes in the R-15 Zone.

-In 1994, the subject site was put into the R-7 Zone. Garages were not permitted to be used for living purposes in the R-7 Zone.

DOCUMENTS REVIEWED

- Project Narrative, dated May 19, 2021;
- Location Land Survey of lot 6 Block 234, prepared by Thomas Craig Finnegan Land Surveying, dated May 10, 2021;
- Survey of property belonging to: Henry J. and Mary Gass, dated January 21, 1955;
- Certification of payment of taxes;
- Deed for the subject property;
- Zoning Officer's Denial;
- Application for Development Permit; and
- Property tax card.

We 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

