

TOWNSHIP OF MIDDLETOWN

Zoning Board of Adjustment and Appeals

1 Kings Highway
Middletown, NJ 07748-2594

JAMES HINCKLEY
Chairman



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TECHNICAL MEMORANDUM

DATE: September 13, 2021
BOARD: Zoning Board of Adjustment and Appeals
APPLICATION: DelVacchio (#2021-008)
71 Norma Avenue
Block 1123, Lot 2
R-22 Zone
Bulk "C" Variances for Side Yard Setback and Lot Coverage

PROJECT DESCRIPTION & VARIANCE SUMMARY

The applicant is proposing to construct a 1-story, 660 square feet addition to their home. Variance relief is required for side yard setback and lot coverage. For the side yard setback, 6.87' is proposed and 20' is the minimum required. The lot is undersized, and the R-15 Zone standards for lot coverage apply. The proposed lot coverage is 27% and 25% is permitted.

PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USES

The subject property contains an area of 15,000 square feet on Norma Avenue, Lincroft, in the R-22 Residential Zone District. The site is currently developed with a single-family dwelling, in ground pool, deck, accessory shed and driveway.

The subject property is surrounded by predominantly residential uses in the R-22 Zone District.

PLANNING COMMENTS

A. Variances

The proposed development requires variance relief from the minimum side yard setback requirement for principal buildings and lot coverage. Section 540-911.A(2) requires a minimum side yard setback of 20' for principal buildings where 6.87' is proposed. Section 540-913.B(2)(b) permits a 25% total lot coverage where 27% is proposed.

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 variance indicated above, and provide testimony supporting the chosen approach.

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

Physical Characteristics - N.J.S.A. 40:55D-70.C(1) (a/k/a Hardship Variance) – Testimony should indicate if strict application of the setback and lot coverage requirement 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

- Boundary Topographic Survey, consisting of one (1) sheet, prepared by American Layout & Land Surveying, dated April 21, 2021;
- Plan set entitled “Add. To Exist. Home DeIVacchio Residence,” consisting of five (5) sheets, prepared by American Layout & Land Surveying, dated December 15, 2020, last revised June 18, 2021;
- Affidavit of Residency;
- Verification that property taxes are current;
- Checklist for Variances including a Project Narrative;
- Zoning Officer’s Denial; and
- Application for Development Permit.

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

Report Prepared by:



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Director of Planning

LOCATION MAP

