

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: September 13, 2021
BOARD: Zoning Board of Adjustment and Appeals
APPLICATION: FML Associates (#2021-009)
203 Sunset Avenue, Port Monmouth
Block 276, Lot 89
R-7 Zone
Bulk "C" Variances for Lot Area, Frontage, Side Setback and Coverage

PROJECT DESCRIPTION & VARIANCE SUMMARY

The applicant is requesting bulk variance relief for lot area, lot frontage, side yard setback (both sides), building and lot coverage for the demolition of an existing dwelling, and construction of a new, 2-story, 1,542 square feet elevated single family dwelling in the flood zone with a one-car stacked garage underneath. The minimum side yard setback required is 10' where 3.5' and 4.5' is proposed; maximum building coverage permitted is 35% where 36.3% is proposed; and maximum lot coverage permitted is 40% where 53.1% is proposed.

Lot area and lot frontage are existing non-conforming conditions. The lot is substantially undersized containing 2,500 s.f. where 7,500 s.f. is required for lot size; and the lot is narrow with 25' of frontage where 75' is required.

PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USES

The subject property is located on Sunset Avenue, Port Monmouth, in the Residential (R-7) Zone. The subject property is 2,500 s.f. with 25' of frontage. The site contains a 1-story single family dwelling and gravel driveway. The subject property is surrounded by residential uses in the R-7 Zone District.

PLANNING COMMENTS

The applicant seeks bulk variance relief for side setbacks, building and lot coverage for the construction of a single family residential dwelling. 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 variances 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

1. Physical Characteristics - N.J.S.A. 40:55D-70.C(1) (a/k/a Hardship Variance) – Testimony should indicate if strict application of the Zoning Ordinance bulk 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.

2. 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.

FLOOD ZONE IMPLICATIONS

The subject property is entirely located in the 100 year flood zone (Zone AE 11). As such, the enclosed area of the house that is below the base flood elevation shall be constructed with flood vents that permits the automatic entry and exit of floodwaters, and only be used for parking of vehicles, building access or storage. This area will not convert into living space. This shall be made a condition of approval.

DOCUMENTS REVIEWED

- Survey of Property Block 276, Lot 89, consisting of one sheet, prepared by Morgan Engineering and Surveying, dated January 22, 2021;
- Variance Map, consisting of one sheet, prepared by FWH Associates, P.A., dated June 22, 2021;
- Architectural plans, consisting of three sheets, prepared by Dugasz & Brower Architects, P.C., dated March 11, 2021;
- Zoning Officer denial letter;
- Certification of taxes; and
- Project Narrative.

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

