

# 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:** Navesink Trust 1 & Navesink Trust 2 (#2021-011)  
23 Blossom Cove Road  
Block 1043, Lot 55  
R-110 Zone  
Bulk "C" Variances for Building Coverage, Lot Coverage, and Cabana Size

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### PROJECT DESCRIPTION & VARIANCE SUMMARY

The applicant is proposing to demolish the existing residential dwelling and construct a new two-story, 7,537 square feet single-family dwelling. The applicant is also proposing a driveway expansion to accommodate a three car side entry garage; in-ground pool and associated patio; and a 1-story, 700 square feet cabana. Bulk variance relief is required for building coverage where 5% maximum is permitted and 6.7% is proposed; lot coverage where 10% maximum is permitted and 19% is proposed; and cabana size where 250 square feet is permitted and 700 square feet is proposed.

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### HISTORY OF BOARD APPROVALS

In 1997, the subject property was granted relief from the Zoning Board of Adjustment for building and lot coverage to enlarge the existing driveway and install an in-ground pool with a cabana. Specifically, 6.8% building coverage and 16.6% lot coverage was approved to accommodate the proposal.

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### PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USES

The subject property contains an area of approximately 3.5 acres on 23 Blossom Cove in the R-110 Residential Zone District. The rear of the lot slopes downwards backing up to the Navesink River. The site is currently developed with a single-family dwelling, driveway, two-story accessory dwelling, accessory garage, one-story accessory structure to the rear of the lot, in-ground pool, cabana, parking area to the rear of the dwelling, and part of a wood dock leading to the river.

The subject property is surrounded by predominantly residential uses in the R-110 Zone District. The rear of the lot fronts Navesink River.

### **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

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## PLANNING COMMENTS

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### A. Variances

The proposed development requires variance relief from maximum building coverage, maximum lot coverage, and maximum cabana size requirements. Section 540-905B.(2)(a) permits a 5% maximum building coverage where 6.7% is proposed. Section 540-905B.(2)(b) permits a 10% maximum lot coverage where 19% is proposed. Section 540-203 permits a 250 square feet maximum cabana size where 700 square feet 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.

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.

### B. Cabana Size- Additional Regulations

The applicant shall address compliance with the additional regulations for cabanas:

As per Section 540-203, the pool cabana must be seasonal (closed for at least 90 days) and is not permitted to have heating equipment, air conditioning, contain a full-service kitchen or be designed for cooking or sleeping. *This shall be made a condition of approval.*

A deed restriction containing the following language to be filed with the Monmouth County Clerk's office: The grantor and grantee specifically represent and warrant that this deed contains a deed restriction whereby the cabana use will not contain heating equipment, bedroom and/or living quarters, full service kitchen or be designed for cooking or sleeping. This deed restriction is intended to prohibit conversion to a habitable space. *This shall be made a condition of approval.*

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**MISCELLANEOUS**

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

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**DOCUMENTS REVIEWED**

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- Variance Plan, consisting of one sheet, prepared by Two River Engineering, dated June 25, 2021, last revised July 23, 2021;
- Architectural plans, consisting of four sheets, prepared by Keith Mazurek A.I.A. Architect, dated June 10, 2021;
- Zoning Officer denial letter, dated July 30, 2021;
- Application for Development Permit;
- Certification of taxes; and
- Project Narrative, 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:**



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Amy H. Sarrinikolaou, PP, AICP  
Director of Planning

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**LOCATION MAP**

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