

TOWNSHIP OF MIDDLETOWN

Zoning Board of Adjustment and Appeals

One Kings Highway
Middletown, NJ 07748-2504

JAMES HINCKLEY
Chairman



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

ERIN URIARTE
Secretary

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

TECHNICAL MEMORANDUM

DATE: February 15, 2022
BOARD: Zoning Board of Adjustment and Appeals
APPLICATION: Edward Trujillo (#2021-018)
9 Raphael Place
Block 561, Lot 2
R-22 Zone
Bulk "C" Variance for Front- and Side-Yard Setbacks

PROJECT DESCRIPTION & VARIANCE SUMMARY

The applicant is proposing to add a 2-story, 610 square foot addition onto the existing single-family home. The first-floor addition will be a 2-car garage and the second-floor addition will be a master bedroom.

The applicant is also proposing to add a pool surrounded by a concrete patio. In summation, the proposal will add 1,224 square feet of lot coverage to the property.

Variance relief is required for side-yard setback. The side-yard setback requires 20' minimum where 11.8' is proposed.

In addition to the variance relief required, the property has existing non-conforming conditions including:

- Front -yard setback: 32.49' exists where 40' minimum is required.
- Side-yard setback (eastern): 14.6' exists where 30' minimum is required.
- Buildable lot area: 14,557 square feet exists where 15,000 square feet minimum is required.
- Lot area: 14,557 square feet exists where 21,875 square feet minimum is required.
- Lot frontage: 100' exists where 125 minimum is required.
- Circle diameter: 60' exists where 77' minimum is required.

PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USES

The subject property is substantially undersized for the R-22 zone and contains an area of 14, 557 square feet on Raphael Place. The site is currently developed with a 2-story single-family dwelling, attached garage, covered porch, concrete walk, and driveway.

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

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

PLANNING COMMENTS

Variances

The proposed development requires variance relief from the side yard setback requirement. Section 540-911.A(2) requires a side setback of 20', where 11.7' 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 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 structure 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 proposal 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

-It appears that the existing driveway is proposed to be modified in order to comply with the maximum lot coverage standard. The applicant shall address proposed modifications to the existing driveway.

-The applicant shall verify in testimony that the survey submitted is current and shows all existing improvements on site.

DOCUMENTS REVIEWED

- Variance Plan/Grading Plan, consisting of two sheets, prepared by East Point Engineering, LLC, dated August 18, 2021;
- Proposed Renovation and Addition Plan for 9 Raphael Place, consisting of four sheets, dated June 25, 2021;
- Final as Built Survey, consisting of one sheet, prepared by Thomas M. Ernst, dated April 23, 2021, last revised June 9, 2021;
- Application for Development Permit;

- Zoning Officer denial letter;
- Certification of property taxes;
- Deed for the subject property; 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. Citrano

Amy H. Citrano, PP, AICP
Director of Planning

LOCATION MAP

