

TOWNSHIP OF MIDDLETOWN

Zoning Board of Adjustment and Appeals

One Kings Highway
Middletown, NJ 07748-2504

JAMES HINCKLEY
Chairman



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TECHNICAL MEMORANDUM

DATE: April 11, 2022
BOARD: Zoning Board of Adjustment and Appeals
APPLICATION: John Pratt (#2022-001)
99 Harvey Avenue
Block 1128, Lot 77
R-22 Zone
Bulk "C" Variance for Front-Yard Setback

PROJECT DESCRIPTION & VARIANCE SUMMARY

The applicant is proposing to renovate an existing single-family dwelling and construct a 14'x17' (238 square feet) 1st floor addition to expand the dining room; 2nd floor 106 square feet addition for a home office; and new front porch.

Variance relief is required for front-yard setback to accommodate the 238 s.f. 1st floor addition. The front-yard setback requires 40' minimum where 37.2' is proposed.

The property has an existing non-conforming condition for minimum lot frontage of 125' required, where 120.58' exists.

PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USES

The subject property is located in the R-22 zone and contains an area of 27,864 square feet on Harvey Avenue in Lincroft. The site is currently developed with a 1-story single-family dwelling, attached garage, and driveway.

The subject property is surrounded by single-family residential uses in the R-22 zone.

PLANNING COMMENTS

Variances

The proposed development requires variance relief from the front yard setback requirement. Section 540-911.A(2) requires a front setback of 40', where 37.2' 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 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.

Additional Comments

-The applicant shall verify in testimony the dimensions of the proposed front yard setback. The zoning chart indicates a proposed front yard setback of 37.2’ and the architectural plans indicate 37.8’.

-Grading Plan approval shall be made a condition of approval.

DOCUMENTS REVIEWED

- Addition and Renovation Plan for 99 Harvey Avenue, consisting of one sheet, prepared by William Lohman, L.A., dated May 14, 2021;
- Zoning Chart, prepared by William Lohman, L.A., dated March 1, 2022;
- Survey of property, prepared by Charles Surmonte P.E. & P.L.S., dated August 8, 2013;
- Application for Development Permit;
- Zoning Officer denial letter;
- Certification of property taxes; and
- Deed for the subject property.

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, PP, AICP
Director of Planning

LOCATION MAP

