

TOWNSHIP OF MIDDLETOWN

Zoning Board of Adjustment and Appeals

One Kings Highway
Middletown, NJ 07748-2504

JAMES HINCKLEY
Chairman



Organized December 14, 1667
"Pride in Middletown"

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: April 11, 2022
BOARD: Zoning Board of Adjustment and Appeals
APPLICATION: Subhek Garg (#2022-002)
2 Van Note Court
Block 825.01, Lot 15
R-22 Zone
Bulk "C" Variance: Total Lot Coverage

PROJECT DESCRIPTION & VARIANCE SUMMARY

The applicant is proposing to build improvements primarily in the rear yard that include a 1,232 s.f. inground pool, 2,313 s.f. of paver patio and terrace, 724 s.f. pavilion, 140 s.f. shed, and 213 s.f. driveway expansion with entrance piers. The proposed improvements exceed the Township's standard for total lot coverage. Variance relief for total lot coverage is required where 34.82% (10,707 s.f.) is proposed, 18.9% (5,625 s.f.) is existing, and 20% is the maximum permitted.

PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USES

The subject property is irregular in shape and contains an area of 30,748 square feet on Van Note Court in the R-22 Residential Zone District. The site is currently developed with a single-family dwelling and an asphalt driveway.

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

PLANNING COMMENTS

Variances

The proposed development requires variance relief from the total lot coverage requirement. Section 540-911.B(2)b permits a total lot coverage of 20% where 34.82% 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 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 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 Planning Comments

-The subject lot was part of a Planning Board major subdivision approval in 2014. Associated with that subdivision approval was the creation of a Homeowners Association for among other items the maintenance and care of the stormwater management basin. Homeowners Association approval shall be made a condition of approval to ensure the approved stormwater management design for the overall subdivision is preserved.

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

DOCUMENTS REVIEWED

- Plan of Landscape Design for the Garg Residence, consisting of one sheet, prepared by Beechwood Landscape Architecture and Construction, LLC, dated June 4, 2021, last revised October 7, 2021;
- As-built Survey for the subject property with the proposed improvements, consisting of one sheet, prepared by Najarian Associates, dated October 4, 2018;
- As-built Survey for the subject property, consisting of one sheet, prepared by Najarian Associates, dated October 4, 2018;
- Series of images of proposed improvements;
- Application for Development Permit;
- Zoning Officer Denial Letter;
- Certification of property taxes; and
- Deed for 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

Amy H. Citrano, PP, AICP
Director of Planning

LOCATION MAP

