

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: April 13, 2022
BOARD: Zoning Board of Adjustment and Appeals
APPLICATION: Dorothy Cockcroft (#2022-004)
177 Tenth Street
Block 467, Lot 11
R-10 Zone
Bulk "C" Variance for Side-Yard Setback

PROJECT DESCRIPTION & VARIANCE SUMMARY

The applicant is proposing to construct a 12'x24' (288 square feet) single-car garage to be attached to the existing one-story dwelling.

Variance relief is required for side-yard setback. The side-yard setback requires 12' minimum where 5.9' is proposed at its narrowest distance to the southern property line.

PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USES

The subject property is located in the R-10 zone and contains an area of 7,500 square feet on Tenth Street in Belford. The site is currently developed with a 1-story single-family dwelling, front porch, and concrete driveway.

The subject property is surrounded by single-family residential uses in the R-10 zone.

PLANNING COMMENTS

Variances

The proposed development requires variance relief from the side-yard setback requirement. Section 540-914.A(2) requires a side setback of 12', where 5.9' 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

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

DOCUMENTS REVIEWED

- Location Survey of subject property, consisting of one sheet, prepared by Richard E. Stockton, dated July 15, 2019;
- Site Plan, First Floor Plan, Elevations and 3D View for Garage Addition consisting of four (4) sheets, prepared by SDI, dated April 8, 2022;
- Project narrative;
- Certification that property taxes are current;
- Deed for the subject property;
- Zoning Officer denial; and
- Development Permit Application.

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

