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April 8, 2020

**VIA EMAIL AND U.S. MAIL**

Dawn M. Farrell, Administrative Clerk  
TOWNSHIP OF MONROE ZONING BOARD  
125 Virginia Avenue, Suite 5A  
Williamstown, New Jersey 08094-1768

Re: Use Variance (1<sup>st</sup> Review)  
Plate 32, Block 3202, Lot 16  
117 Washington Avenue  
Zone: RG-C, Regional Growth-Commercial District  
Applicant: Kathryn Maycock  
Application № 20-03  
MC Project №: MMZ-069

Dear Ms. Farrell:

The above referenced application is a request for a use variance application review.

**1.0 Project Description**

**1.1 Proposal**

The applicant seeks use variance approval to have a rental residential duplex, chiropractic office and a vitamin/supplement business on one property. The existing dwelling is proposed to be converted to a duplex with a 2-bedroom unit on the main floor and a 1-2 bedroom unit on the 2<sup>nd</sup> floor. The existing garage structure is proposed to be converted to a chiropractic office as an extension of their existing practice at 103 Washington Avenue. This location is proposed to have 3 full-time employees and 3 doctors and will be open 5-6 days each week. The existing shed structure is proposed to be converted to a vitamin shop with 1 full-time employee and 1 part-time employee to be open 5-6 days per week. Signage and parking are also proposed. The applicant was granted a waiver of site plan approval (WSP-47-17) by the Planning Board on September 14, 2017 (Resolution PB-78-17). However, the zoning permit for the proposed use(s) was revoked on January 16, 2020 and referred to the Zoning Board of Adjustment and the NJ Pinelands Commission.

*Note: The property is situated in the Pinelands. As such a Certificate of Filing is required to be deemed complete. The applicant has requested a waiver for completeness, deferring as a condition of any use variance approval.*



## 1.2 Existing Conditions

The 27,918± square foot parcel is located at 117 Washington Avenue and contains a 1½ story frame dwelling, a detached garage and a shed. The property is zoned RG-C, Regional Growth Commercial District and is located in the Pinelands.

## 1.3 Surrounding Land Uses

The surrounding parcels are also zoned RG-C, Regional Growth Commercial and contain a mix of residential and commercial uses. The adjacent parcel to the west is vacant and owned by the Township. The parcels adjacent to the east contain the applicant's existing chiropractic office and a residence. Parcels across Washington Avenue are primarily single-family residential.

## 2.0 Materials Reviewed

We have reviewed the referenced submission, encoded by the Zoning Board as #20-03, received electronically on March 12, 2020, consisting of the following:

<i>Sheet</i>	<i>Title</i>	<i>Date</i>
---	Application	March 6, 2020
---	E-mail regarding Revoked Zoning Permit	January 23, 2020
---	Referral Form to the Land Use Boards	January 23, 2020
---	Letter to Applicant from Zoning Office	January 16, 2020
---	Resolution PB-78-17	September 14, 2017
---	Monroe Township Zoning Review Letter	September 8, 2017
---	Site Plan Waiver Checklist (WSP-47-2017)	---
---	Site Plan Application	July 27, 2017
---	Applicant's Narrative of Project	August 25, 2017
---	Sketch of Office Plan	---
---	Exhibit of Existing Conditions	---
---	Legal Description, Block 3202, Lot 16	August 21, 2017
---	Zoning Permit for Wrap-around Driveway	August 25, 2017
---	Zoning Permit Application for Wrap-around Driveway	August 2017
---	Plan of Survey Exhibit	August 21, 2017
---	Site Plan Waiver Review Letter prepared by ARH Associates	March 8, 2018
---	Zoning Permit for Expansion of Driveway Apron	March 20, 2018
---	Zoning Permit Application for Expansion of Driveway Apron	March 19, 2018
---	Site Plan Waiver/Lot Grading Review Letter prepared by ARH Associates	July 24, 2020



1 of 2	Exhibit of Plan of Survey	Revised to February 16, 2018
---	Zoning Permit for Signage	September 28, 2018
---	Zoning Permit Application for Signage	September 28, 2018
---	SignPros Letter of Authorization	September 25, 2018
---	Sketch of Proposed Sign	September 29, 2018

### 3.0 Zoning Requirements

#### 3.1 Use

In accordance with § 175-161.6 (attachment 4), two family, twin or duplex residential dwellings including accessory garages are not listed as a permitted use in the RG-C, Regional Growth-Commercial district. In addition, per § 175-127 in the Pinelands area, no more than one principal use shall be located on a lot. As proposed, a use variance is required.

In accordance with § 175-161.6 (attachment 4) business and professional offices are permitted uses.

#### 3.2 Bulk Requirements RG-C (Community Commercial)

*As a non-permitted use there are no specific standards under RG-C for duplexes. There are standards for a business or professional use. It should be noted that the existing residential structures to be converted are nonconforming under these standards as outlined below.*

- 1. Lot Area:** The minimum required lot size is 20,000 s.f. The plan conforms to these requirements, having an overall lot area of 27,918 s.f.
- 2. Lot Frontage/Width:** The minimum required lot frontage/lot width is 100 feet. The plan conforms to these requirements.
- 3. Minimum Front Yard/Building Setback:** The minimum required front yard/building setback is 75 feet. The plan does not conform to the 75' setback requirement, having an existing front yard setback of only 29.7 feet. As proposed, a variance would be required.
- 4. Side Yard Setback:** The minimum required side yard setback is 20 feet. The plan does not conform to this requirement, having an existing side yard setback of only 4.1 feet. As proposed, a variance would be required.
- 5. Rear Yard Setback:** The minimum required rear yard setback is 50 feet. The plan does not conform to this requirement, having an existing rear yard setback of approximately 5-6 feet. As proposed a variance would be required.



6. **Lot Coverage:** The maximum permitted lot coverage is 70%. The plan does not address this requirement. Conformance to be determined.
7. **Buffers:** The minimum required buffer setback is 25 feet. The plan does not conform to this requirement. As proposed, a variance would be required.
8. **Building Height:** The maximum permitted building height is 35 feet. The building height has not been provided. As a 1 ½ -story structure and based on Google views, the existing structure appears to comply. Testimony regarding conformance with this requirement should be provided.

#### 4.0 Master Plan Consistency

The proposed use is not consistent with the goals and objectives of the Master Plan. Should the use variance be granted, any site improvements and/or physical impacts of the use need to be addressed and mitigated.

#### 5.0 Fees, Contributions, and Obligations

##### 5.1 Escrow

The applicant must contact the Township's Finance Office to settle any outstanding review escrow accounts prior to any approval taking effect.

#### 6.0 General Comments / Recommendations

- 6.1 In accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-76b), the applicant may elect to submit an application requesting approval of the use variance and a subsequent application for the approval of a site plan, if required, provided that the approval of the variance is conditioned upon the applicant obtaining all required subsequent approvals from the Zoning Board. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

Consequently, any variance granted permitting the proposed use must be conditioned upon the applicant obtaining the necessary site plan approval, if deemed required, from the Zoning Board.

- 6.2 The applicant must demonstrate sufficient "special reasons" why the proposed use carries out a purpose of zoning, or how the refusal to allow the project would impose on the applicant an undue hardship. In addition, the applicant must



demonstrate that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

- 6.3 The applicant should provide testimony regarding the adequacy of any available parking onsite, site circulation, designated residential parking and any impacts due to the comingling of uses.

The above comments and/or recommendations are submitted for your review and consideration. Should you have any questions with regard to this matter or require additional information, please do not hesitate to contact our office at (609) 910-4068.

Regards,

**MASER CONSULTING P.A.**

A handwritten signature in blue ink that reads 'Pamela J. Pellegrini'. The signature is written in a cursive, flowing style.

Pamela J. Pellegrini, P.E., P.P., C.M.E.  
Project Manager

PJP/rld

cc: Richard P. Coe, Esquire

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