

March 29, 2021

Dawn M. Farrell, Administrative Clerk
Township of Monroe
125 Virginia Avenue, Suite 5A
Williamstown, NJ 08094-1768

Use Variance (1st Review)
Block 14701, Lot 36
222 Hewitt Avenue
Zone: BP, Business Park District
Applicant: Michael Kurz
Application No. 21-13
Colliers Engineering & Design Project No. MMZ-091

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 for the construction of a 40' x 30' (1,200 s.f.), 16 foot high, pole barn on his residential property for use of personal storage. The accessory building is also proposed to include a 30'x12' lean-to for a total building size of approximately 1,560 square feet. The applicant also proposes a 20' wide asphalt driveway to the structure.

The applicant should confirm the proposed building height. Details submitted with the application indicate a peak height of 21'-9" vs. the 16' height stated in the application.

1.2 Existing Conditions

The 1.00± acre parcel fronts on Hewitt Avenue and contains an 1,830 square foot single family, brick and stone bi-level dwelling with two (2) stone driveways, brick walkway, in-ground pool with concrete/fencing and associated improvements. The property is zoned BP, Business Park District and is served by onsite water and sewer disposal.

1.3 Surrounding Land Uses

The area is a mix of primarily residential and intermittent commercial uses. Adjacent to the south and west is a vacant wooded parcel and adjacent to the east is a residence and vacant parcel, all also zoned BP. Across from the parcel are

residences that are zoned R-2. Cross-Keys Airport is to the south off Tuckahoe Road and Skydive Cross Keys to the west and rural residential uses exist along the frontage of nearby Tuckahoe Road.

2.0 Materials Reviewed

We have reviewed the referenced submission, encoded by the Zoning Board as #21-13, received via email March 18 26, 2021, consisting of the following:

Sheet	Title	Date
---	Application	March 15, 2021
---	Zoning Permit Application	February 8, 2021
---	Referral Form to the Zoning Board	February 8, 2021
1 of 1	Reduced Size Plot Plan	January 16, 2021
---	Floor Plan & Architectural Details	---

The plot plan is signed by Daniel V. Pizzelli, PLS of Pizzelli Surveying, LLC.

3.0 Zoning Requirements

3.1 Use

- A. In accordance with § 175-163H, residential uses in the Business Park Zoning District for which a valid certificate of occupancy has been issued, shall be considered a conforming use and subject to the Schedule of Limitations for similar uses in the R-2 Zoning District. The existing residence complies.
- B. In accordance with § 175-89F(1), one garage is permitted with a maximum size floor area ratio of 900 square feet and a maximum height of 18 feet from the ground level to the peak.

The plan does not conform to these requirements proposing a pole barn garage of 1200 s.f. plus a lean to of 360 s.f. (for a total of 1560 s.f.) and a height of 21'-9". As proposed, variances are required.

- C. In accordance with § 175-89F maximum of two accessory buildings consisting of one shed and one garage is permitted except on qualified farmland. Testimony to be provided regarding the number of existing accessory structures are onsite to determine compliance.

3.2 Bulk Requirements – Accessory Structures (R-2, single-family dwelling with onsite septic)

In accordance with § 175-162E(3), yard requirements for accessory uses to residential uses may be reduced by up to 50% of the requirements for principal uses within the specific district

1. **Front Yard Setback:** The minimum required front yard setback is 60 feet. The proposed setback to the front property line is greater than 30'. The plan conforms to this requirement.
2. **Side Yard Setback:** The minimum required side yard setback is 20 feet and 30 feet for a corner lot. The proposed setback to the side property line is greater than 10'. The plan conforms to this requirement.
3. **Rear Yard Setback:** The minimum required rear yard setback is 75 feet. The proposed setback to the rear property line is greater than 37.5'. The plan conforms to this requirement.

4.0 Design and Performance Standards

1. In accordance with § 175-89C, no business, service or industry shall be conducted within a private garage, except for lawfully permitted home occupations in accordance with § 175-111. Testimony regarding compliance to be provided.
2. In accordance with § 175-89E, accessory buildings or structures shall not be located in any required buffer areas, easements or drainageways. Testimony regarding compliance shall be provided.
3. In accordance with § 175-89G(1), the roof shape of a garage or shed shall be visually compatible with building and/or structures to which it is visually related. Testimony regarding compliance to be provided.
4. In accordance with § 175-89G(2), the relationship of materials, textures and color of the façade and roof of a garage or shed should be visually compatible with the materials and structures to which it is visually related. Testimony regarding compliance shall be provided.
5. In accordance with § 175-89G(4), all living units are prohibited over or attached to garages except those garages attached to residential dwellings. Testimony regarding compliance shall be provided.

5.0 Master Plan Consistency

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

6.0 General Comments / Recommendations

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.

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.
3. The application indicates a 20' wide asphalt drive to serve the requested pole barn structure is proposed. The plan does not indicate the location of the proposed drive. The property already has two (2) stone driveways. It is our recommendation that no new drive openings be permitted. An existing opening should be utilized or relocated.

Sincerely,

Colliers Engineering & Design



Pamela Pellegrini, PE,PP,CME
Senior Project Manager

cc: Richard P. Coe, Esquire