

2013 ANNUAL REPORT

of the

MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT

This Annual Report covers the Board's actions from January 1, 2013 through December 31, 2013. During this time span, the Millstone Township Zoning Board of Adjustment (Zoning Board) conducted eight (8) regular meetings.

The Zoning Board rendered decisions on the merits on seven (7) applications. This is an increase of one (1) application from 2012. Two (2) of the applications before the Zoning Board were for extensions of approvals, which were granted.

Many applications included more than one variance request as reflected below in Table 1. The Zoning Board approved all five (5) applications. Tables 1 illustrate variance and application request information by respective zoning districts and type of variance requested. A summary of each application is also attached.

The Zoning Board reviews applications with an eye toward reducing the intensity and quantity of variances by working with applicants to develop improved designs. Through this process, the number of variances that are initially requested is often reduced.

TABLE 1: VARIANCES & APPLICATIONS APPROVED-2013

| TYPE → | Relief from definition | Use Variance | Setback | Extension Of Approval | Lot Area | Steep Slope | Totals |
|------------------|------------------------------|-----------------|----------|-----------------------------|----------|----------------|---------------|
| ZONE ↓ | | | | | | | |
| BP | | 1 | | 1 | | | 2 |
| R-80 | 1 | | | 1 | | | 2 |
| R-130 | | 1 | | | 1 | 2 | 4 |
| R-UP | | | 1 | | | | 1 |
| Totals | 1 | 2 | 1 | 2 | 1 | 2 | 9 |

2013 SUMMARY

"D" VARIANCES

Applicants requested two (2) D Variances from the Zoning Board in 2013. The Use Variances were for Office Use not permitted in a residential zone (352 Monmouth Road LLC R-130 Zone) and the other was for accessory building and use not permitted in a commercial zone (TLP Climate Control, LLC - BP Zone). Both Use Variances were approved.

The Zoning Board considers each variance request carefully by meticulously analyzing the context-sensitive fashion of each request while remaining cognizant of the overall neighborhood impact. The Zoning Board also weighs the impact any variance may have on the Master Plan when reviewing the merits of any variance request to ensure the development will not have a substantial negative impact on its purpose or intent.

BULK VARIANCES

Applicants requested five (5) variances, which were approved. Applicants requested variances which can be broken down into the following categories:

1. Relief from Definition
One (1) Variance Requested; Relief from definition of "Home Occupation" (Taylor R-80 Zone)
2. Steep Slope:
Two (2) Variance Requested; Two (2) Variances (352 Monmouth Road R-130 Zone & Kowal R-130 Zone)
3. Lot Area:
One (1) Variance Requested (352 Monmouth Road R-130 Zone)
4. Set back:
One (1) Variance Requested (Preston RU-P Zone)

RECOMMENDATIONS

In 2013, the Zoning Board heard the application of TLP Realty, LLC, which involved an application for a 1,520 square foot accessory garage/storage structure in the Business Park Zone (BP Zone). The applicant required a Use Variance because accessory buildings and uses are not permitted in a non-residential zone. The applicant proposed an accessory garage to store their supplies and equipment.

The Zoning Board granted approval for the application and would like to recommend to the Township Committee that they consider permitting accessory structures in commercial zones. The board further recommends that if accessory structures are permitted they should be subject to appropriate setbacks and architectural guidelines as determined by the township planner and engineer. The board feels that this change would be beneficial to the township by enabling business owners to have additional indoor storage areas associated with their business uses, while enhancing the appearance of the outside areas of these commercial properties.

2013 BOARD OF ADJUSTMENT RESOLUTION INDEX

| <u>App#</u> | <u>Application</u> | <u>Zone</u> | <u>Var</u> | <u>Date Mem</u> | <u>Time Runs</u> |
|---------------|--|-------------|------------|-----------------|------------------|
| Reorg 2013 | Secretary Attorney Planner Engineer Court Reporter Calendar Newspapers | | | 1/24/13 | 1/1/14 |
| 2012 | Annual Report | | | | |
| Z12-06 | 352 Monmouth Road LLC - Block | R-130 | "D" non | 2/27/13 | 2/27/14 |

| | | | | | |
|---------------|--|-------------|--|----------------|-----------------|
| | 62, Lot 20.05 located at 352 Monmouth Road consisting of 97,750 s.f. (2.24 acres) in the R-130 Rural Residential Zoning District. Pre-existing one-story office building with basement consists of 2,382 first floor and basement for a total building square footage of 4,764 s.f. Applicant sought to move the existing driveway. Use variance required for pre-existing office building in a residential zone. "C" Variance needed for deficient lot size for zone. Applicant received "C" Variance for steep slopes. | | permitted Use; "C" disturbance of steep slopes; "C" variance undersized lot | | |
| Z13-01 | Hawk, Danielle – Block 31, Lot 28. Located at 106 Agress Road and 108 Agress Road consisting of 2.3509 acres in the R-80 (Rural Residential) Zone. Two residences exist on the property. Applicant received approval to renovate one of the pre-existing, non-conforming homes on the property memorialized on 3-28-12. Applicant sought and received an additional 6 month extension of time. | R-80 | Six-month Extension of Time | 2/27/13 | 2/27/14 |
| A13-02 | TLP Climate Control – Block 16.01, Lot 1. Located at 400 Rike Drive consisting of 3.47 acres in the BP (Business Park) Zone. Applicant seeks to construct a 1,520 s.f. accessory garage/storage structure for TLP Climate Control. Applicant Sought and received Use Variance and Minor Site Plan approval to construct the accessory building. | BP | Use Variance and Minor Site Plan | 5/22/13 | 5/22/14 |
| Z13-04 | CKV Realty, LLC – Block 57, Lot 16. Located at 33 Burnt Tavern Road consisting of 53.38 acres in the BP (Business Park) Zone. Applicant received Use Variance, Preliminary and Final Site Plan Approval to operate a nursery and retail garden center including the construction of seven (7) structures memorialized in Resolution dated May 23, 2012. Applicant returned to the Board requesting a 6-month extension of time. Extension | BP | 6-month Extension of Time | 5/22/13 | 11/22/13 |

| | | | | | |
|---------------|---|--------------|---|-----------------|----------------|
| | granted. | | | | |
| Z13-06 | Kowal, Peter and Bari – Block 38, Lot 6.14. Located at 5 Lahaway Creek Court consisting of 1.84 acres in the R-130 Zone. Applicants seek to construct an in-ground pool/spa and concrete walkway/patio in the rear yard where steep slopes exist. Variance needed for disturbance of approximately 4,675 s.f. of steep slopes 15% to 29% in grade. Pre-existing undersized lot. Deemed complete 5-7-2013. Date of Action: 9-4-2013. Noticing Required. | R-130 | Variance granted to construct pool in steep slope (man-made) area | 6/26/13 | 6/26/14 |
| Z13-07 | Preston, Scott – Block 57, Lot 3. Located at 97 Trenton-Lakewood Road consisting of 0.40 acres in the RU-P zone. Applicant seeks variance relief to install an above-ground pool (24' diameter) in his back yard where 25 feet is required in the Zone, only 10 feet can be provided. Pre-existing, non-conforming, undersized lot. | RU-P | Variance granted to install above ground pool | 7/24/13 | 7/23/14 |
| Z13-08 | Taylor, Clare —Block 60.02, Lot 21.17. Located at 4 Hooper Court consisting of 2.5314 acres in the R-80 Zone. Applicant is seeking “C” Variance relief for Ordinance Section 4-10 “Home Occupation” to operate a home business of providing pony rides. Application approved on 8-28-13. | R-80 | “C” Variance relief for Ord. Sec. 4-10 “Home Occupation” to operate a home business of providing pony rides. | 11/23/13 | N/A |