

**A RESOLUTION OF THE
MEDFORD TOWNSHIP
ZONING BOARD OF ADJUSTMENT
RESOLUTION #2018-26**

**INTENDED TO SATISFY THE STATUTORY REQUIREMENT
FOR PREPARATION OF AN ANNUAL REPORT ON ITS FINDINGS
ON ZONING ORDINANCE PROVISIONS
WHICH WERE THE SUBJECT OF VARIANCE REQUESTS AND
ITS RECOMMENDATIONS FOR ZONING ORDINANCE AMENDMENT OR REVISION**

WHEREAS, The Municipal Land Use Law requires that the Board of Adjustment review the decisions on development applications and prepare and adopt a resolution reporting on its findings with respect to Zoning Ordinance provisions which were the subject of variance requests and to make recommendations for Zoning Ordinance modifications or amendment, if any, and that a copy of the report and resolution be provided to the Township Council and to the Planning Board (N.J.S.A. 40:55D-70.1); and

WHEREAS, the Board has compiled a list of applications heard and considered during 2016 with respect to various development applications (a copy of which is attached as Appendix A); and

WHEREAS, the Board has reviewed actions taken regarding development applications heard during 2016 and is desirous of providing a report as provided by statute;

WHEREAS, the Medford Township Zoning Board of Adjustment has made the following findings of fact consequent to its review of activity with respect to development applications during 2016, that:

Findings of fact:

1. The Board held hearings each month of the calendar year, for a total of 12 meetings. The Board heard and decided upon 37 applications, including 12 requests for “d” variances, including 8 use variances, 1 amended use variance, 2 conditional use variances, and 1 expansion of a non-conforming use.
2. A total of 35 applications were approved, and 2 were denied.
3. Of the 35 approved applications, 24 were for residential bulk variances in residential zones.
 - a. A total 15 of the 24 residential applications included proposals for accessory structures, which included garages, sheds, pools, pool cabanas, and entry gates.
 - i. A total of 6 of the 15 accessory structure applications sought garage-related development, which required variances for exceeding the size, number of garage

spaces, and/or quantity permitted, typically in addition to setback and coverage variances.

ii. There were 5 approvals granted for oversized sheds, multiple sheds, and deviations from side and rear yard setbacks for sheds.

1. An application for an oversized shed was denied, but the applicant resubmitted with a smaller shed and was approved. The existing and proposed coverages for the new home and accessory structures exceeded permitted maximums.

iii. A total of 2 of the 24 applications for accessory structures involved coverage variances for pools and related pool area paving, and 2 other applications involved accessory structure size variances for pool cabanas.

iv. There were 2 applications seeking gated entrances to residential properties, where residential gates are not permitted, and one was for a 6' tall fence in the front yard, where 4' is permitted.

b. An application was for the erection of a pavilion on land owned by a homeowner's association, requiring Conditional Use approval for a quasi-public use in the GD zone, and required the approval of the Township Governing Body because of an encroachment on the adjacent public land.

4. The remaining residential applications were related to new residential dwellings and residential building additions, requiring setback and/or coverage variances.

5. Of the 35 approved applications, 11 were commercial or religious uses, or non-permitted residential uses in commercial zones:

a. Fast food uses with drive-through service, in the CC Community Commercial zone accounted for 3 applications. McDonalds sought conditional use approval for a drivethrough expansion and site improvements. Shriji [Dunkin] Donuts and Starbucks had received use variance approval in prior years but returned to the board for additional site improvements including signs and parking.

b. Another 2 involved single-family residences in commercial zones. A new dwelling, converted from an office use, in the HVC Zone received use variance approval, and an

existing dwelling in the RHC Zone received approval for the expansion of a nonconforming use.

- c. There were 2 use variance applications approved overnight dog boarding and dog training and day care.
 - d. There were 2 applications approved use variances to permit two principal uses on one lot, including a tree contracting company with a residential structure in the CC zone (residential structure since demolished), and a construction contractor in an existing oversized outbuilding associated with a residential dwelling in the GD Zone, which was further subdivided increasing the nonconformity.
 - e. An application approved a religious use seeking to expand into an adjacent residential site in the AR Zone.
 - f. A storage facility received use variance approval to amend a prior approval, to permit the exterior storage of boats and recreational vehicles.
 - g. Medford Village Country Club received use variance approval to permit an off-premise sign on Himmelein Road.
 - h. A request for a 6,400 SF commercial storage garage for vehicle storage in addition to a residential use in the AR Zone was not approved by the Board.
6. The zoning district with the most applications was the GD Zone with 11 applications, followed by AR Zone with 5, RGD-1 and CC Zones with 4 each, RGD-2 Zone with 3, and HC-2 Zone with 2, followed by the RHO, RHC, HVC, HC-1, PI, RS-2, GMN, and GMS Zones with 1 application each.
- a. The GD Growth District had the most applications for development, with 11 applications. Development applications in the GD district were primarily for residential accessory structures, which comprised 7 applications, 5 of which related to oversized sheds and garages, 1 related to an HOA pavilion, and 1 related to a 6' fence in the front yard. There were 2 for principal building expansions, including a living space addition, and an attached deck. The most common variance requested in the GD zone was for accessory structure side yard setback, followed by lot coverage, and building coverage. A total of 3 of the 11 applications required variances for principal building setbacks. The other applications in the GD zone were for the HOA pavilion, the off-premise sign, and the construction contractor.

- b. The AR District had the second most applications, with 5 applications. Of the 5 AR applications, 2 were related to oversized accessory structures, and 1 of the applications was for a new dwelling with an existing oversized accessory structure. Another application was to permit a religious land use which violated the conditional use standards. The application for the 6,400 SF commercial storage garage in addition to a residential use was denied.

7. In review of the variances requested from the bulk requirements, the following occurred:

- a. The most common bulk variance was for accessory structure side yard setback, for a total of 11 applications. All these involved pools, sheds, or garages on residential properties. There were 5 of these applications in the GD zone, and 2 each in the AR and RGD-1 zones.
- b. The second most common bulk variance was for exceeding the lot coverage, for a total of 9 applications; 4 in the GD zones and 2 in the RGD zones. Of those 8 of the 9 applications exceeded the permitted lot coverage because of additional accessory structures, in the GMN, AR, and CC Zones. The remaining 1 application involved a principal dwelling only.
- c. Bulk variances requests for oversized accessory structures totaled 7 applications. Of those 7, 5 applications involved residential storage sheds or cabanas, exceeding 168 SF, as large as 672 SF and 720 SF; three of these were in the AR zone. An application was for garage depth of 32' where 24' is permitted. Finally, there was 1 application was for the 320 SF Homeowners' Association pavilion.
- d. Bulk variances required for the number of accessory structures also totaled 7 applications, though only overlapped with the request for oversized structures in 2 applications.
- e. A total of 5 variances were sought for principal building side yard setbacks. Of the 5 side yard deficiencies, 2 were in the GD zone and the Board approved setbacks as small as 2.6' where 50' is required and 10' where 30' is required. Another common bulk variance sought was for building coverage. Of the 5 applications for exceeding the permitted building coverage, 3 were in the GD zone and the other 2 were in the RGD and GMN zones. The Board approved applications with up to 24.3% where 12% is permitted, and 19.4% where 12% is permitted on undersized lots.

BE IT RESOLVED, slightly less than one third of the applications were in the GD Zone. The Board recommends investigation of the land development patterns in the GD Zone to determine if ordinance

amendments are appropriate, particularly with respect to side yard setbacks, building coverage, and lot coverage.

BE IT FURTHER RESOLVED, 6 of the applications involved garages. A total of 5 applications involved exceeding the size and quantity of accessory buildings or structures permitted. The Board recommends that garage and accessory building size and number should be evaluated and perhaps a sliding scale employed to control bulk and mass of accessory structures on private residential property. The size and height requirements for garages are currently in the *definitions* portion of the Ordinance, and not the *accessory building* section. This should be resolved. Additionally, the height of garage doors for residential uses should be limited to reduce the likelihood of conversion or use as commercial structures for large equipment or trucks.

BE IT FURTHER RESOLVED, all three of the fast food application required variances from the required parking standards, and the Board granted approvals of deficiencies over 50%. The conditional use standards should be reviewed, and the negative impacts of the conditionally permitted fast food uses addressed by those standards, including but not limited to appropriate parking standards.

BE IT FURTHER RESOLVED, that the 2 applications involved the village zoning. While these applications are not large in number, there are generally 1 per year (see prior Annual Reports). The village use, and bulk standards should be evaluated to determine if there are negative impacts from the current zoning.

BE IT FURTHER RESOLVED, that a copy of this annual resolution be provided by the Board Secretary to the Secretary for the Medford Township Planning Board for dissemination to members of the Planning Board as well as to the Township Clerk for dissemination to the Township Council of the Township of Medford and respective legal counsel.

ROLL CALL VOTE

Those In Favor:

Those Opposed:

Attest:

**MEDFORD TOWNSHIP ZONING
BOARD OF ADJUSTMENT**

Krystle Garrison

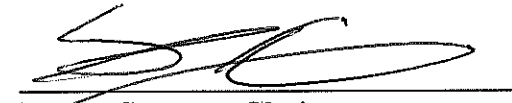
Krystle Garrison

Dated: 7/20/18

Date of Approval: July 18, 2018

Date of Memorialization: July 18, 2018

By:



~~Donna Symons, Chair~~
SALVATORE J. COCINERA,
Vice Chair

APPENDIX A ATTACHED

2016 Medford Township Zoning Board Annual Report Appendix A

Lot	Address	Zone	App #	Principal Setback			Bidg Covg	Lot Covg	Accessory Structures			Use Variance	Comments	App
				Front	Side	Rear			Side	Rear	Size			
3	3 Bookbinder Ct.	RGD-1	ZVE-960								2/1		2nd garage accessory on 1.42 acres	Y
8	10 Evergreen Dr.	RGD-1	ZVE-959				11.8/10%	26.4/20%	14/15'		2/1		Swimming Pool	Y
13	163 Route 70	HC-1	SPR-5713									Overnight Dog Kennel		Y
1.01	125 Eayrestown Rd.	AR	ZVE-963	71.5/75'	6.9/50'	51.2/100'			21.7/50'	600/168 SF			New SF Residence w/ existing shed	Y
46	40 S.Lakeside Dr. West	GD	ZVE-968					36.9/30%	7/15'				Storage shed in side yard	N
13	9 Braddocks Mill Rd.	RGD-2	ZVE-966							720/168 SF			Cabana plus 160 SF porch, height 16/15'	Y
161	164 S.Lakeside Dr. East	GD	ZVE-962	14/50'			19.4/12%	38.4/30%	1.5/50'		2/1		Converted garage in FY, shed FYSB 1.5/50'	Y
9.02	31 New Freedom Rd.	GMN	ZVE-965		24.6/30'	35/50'	12.2/10%	27.7/25%					240 SF sunroom addition	Y
1.01	12 Highland Trail	RGD-1	ZVE-967			70/100'							10'X16' Roof extension over rear deck	Y
29	Rt. 541/Church Rd.	CC	SPR-5705&F										Var. for parking (19/67), loading, signs	Y
1.03	246 Route 70	HC-2	SPR-5555FA										Amended Use Var., storage & parking	Y
25.12	9 Pleasant Mill Court	RGD-1	ZVE-964						22/50'		2/1		Second garage, detached (24' x 38')	Y
6.08	280 Medford-Mt.Holly	AR	ZVE-969						21.3/50'	300/168 SF			In-ground pool & deck, shed SVSB 35/50'	Y
17	88 Hartford Rd.	GMS	ZVE-969						8/15'				400 SF detached garage	Y
6	165 Tuckenton Rd.	CC	SPR-5708									2 Principal Uses plus gate	Landscape contracting & Residential	Y
20	50 Georgia Trail	GD	ZVE-961								2/1		Second garage, detached (720 SF, 3-car)	Y
149	188 S.Lakeside Dr. East	GD	ZVE-971		10/30'	26/50'	24.3/12%						576 SF addition to dwelling	Y

