

**A RESOLUTION OF THE
MEDFORD TOWNSHIP
ZONING BOARD OF ADJUSTMENT
RESOLUTION #2019-_____**

**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 the Board of Adjustment to 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 2018 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 2018, 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 2018, that:

Findings of Fact:

1. The Board held hearings each month of the calendar year, except March and October. There were two hearings in December for a total of 11 meetings. The Board heard and decided upon 31 applications. Of these, 29 were approved and 2 were denied.
2. Of the 2 denied applications, 1.) was a “(c)2” variance for a detached garage and 2.) was “d(1)” use variance application. The first sought to permit a detached garage which exceeded the permitted garage capacity on the site in the RS-2 Zone. The second requested a variance to permit commercial vehicle parking and storage in outbuildings and yards of a residential lot located within the GD Zone.
3. Of the 29 approved applications, 23 applications were for residential uses in residential zones and requested “c” bulk variances and 6 were varied requests.

- a. The 6 requests were approved as follows, 1.) a “d(1)” variance to permit two uses on one lot - a residential dwelling and construction of an oversized, 2-storage garage in the HM District, 2.) sought an interpretation that adult daycare for developmentally disabled adults is a permitted use consistent with child day care and nursing facilities, 3.) permit a deviation from the conditional use requirements for a fast food with drive-through on Route 70 to permit a reduction in the required number of parking stalls, 4.) amended use “d(1)” variance to permit 27 seat outdoor dining and additional parking, 5.) “d(1)” use variance to permit conversion of an office into a dwelling in the Restricted Commercial District, and 6.) issuance of a Certificate of Continuing Nonconforming Use.
- b. Of the 23 approved residential “c” bulk variances in residential zones, 4 were for new dwellings in the RGD-1 and RGD-2 Districts and 1 for a subdivision with bulk variances in the RHO District which was the subject of a density variance in 2017, and the remaining 18 were improvements to existing residences. Of the 23 approved, 10 were located in the RGD-2 District, 6 in the GD District, 3 in the RGD-1 District, and one each in the RHO, GMS, GMN and GMN-AR Districts.
- c. Of the 18 approved residential bulk applications, 12 requested relief to exceed the maximum accessory structure size: 5 applications for sheds, and 7 for garages. The remainder related to residential additions requiring setback deviations and building coverage or impervious coverage deviations.
- d. Of the 6 applications in the GD Growth District, 2 required front yard setback relief, and 5 required building and/or impervious coverage relief.
- e. A total of 8 of 10 applications in the RGD-2 Reserved Growth District included relief related to lot coverage exceedances.

4. A total of 15 applications sought increases of lot coverage; and 7 sought increases of building coverage.

BE IT RESOLVED, that several undersized lots and tear-down of older structures in the RGD-1 and RGC-2 Districts resulted in deviations from the requirements of the ordinance for new construction, additions and accessory structures. This is an unusual occurrence which the Board seeks to further evaluate to determine if there is a trend in the Zone District.

BE IT FURTHER RESOLVED, that a few residential applications were in the GD Zone, which continues the trend from previous years. The Board recommends investigation of the land development

patterns in the GD Zone to determine if ordinance amendments are appropriate, particularly with respect to setbacks, building coverage, and lot coverage.

BE IT FURTHER RESOLVED, a total of 12 applications involved exceeding the size and quantity of accessory buildings or structures permitted, which continues the trend from previous years. 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, that a copy of this annual resolution be provided 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

By: _____
Donna Symons, Chair

Dated: _____

Date of Approval: xxxxxxxxxxxx 2019

Date of Memorialization: xxxxxxxxxxxx, 2019

APPENDIX A ATTACHED

2018 Medford Township Zoning Board Annual Report

Appendix A

Res No.	Applicant	Block	Lot	Address	App#	Zone	Principal Setback			Building Coverage	Lot Coverage	Accessory Structures				Other Bulk Variances/notes	Use Variances	Approved			
							Front	Side	Rear			Side	Rear	Size (SF)	#						
8	Ian Kerner	402	2.02	19 Medford-Evesboro Rd.	ZVE-992	HM									39.6/100'		288/168		Buffer 40/50'; garage depth 60/24' & height 24/20'	Use Var for 2 principal uses on 1 lot (dwg & comm); 2,400 SF garage	Y
9	Friends of Cyrus, Inc.	2702.01	7	175 Tuckerton Road	ZVE-1000	CC														Interpretation: Adult day-care is permitted use	Y
10	Nicholas Moghari	6201	2	98 Hinchman Road	ZVE-1007	RGD-2		24.1/50'	53/100'	12.8/10%	29.02/15%								Attached garage expansion & extend driveway . Garage depth 36.5/24'		Y
11	Herbert & Jennifer Thiel	4601.01	10.02	40 Dixontown Road	ZVE-1001	RS-2											200/168		1,080 SF detached garage; Garage capacity 6/3		No
12	John & Kathleen Gerber	1705	3	19 Haines Ave.	ZVE-1008	GMS									11.8/30'				384 SF detached garage		Y
13	Edward & Christine Brough	3202.09	30	18 Covenger Court	ZVE-1006	GD									5.5/15'	11.5/15'	713/168	5/1	Treehouse with deck, sheds, pergola, & driveway		Y
14	Sean Gray	6201	1	100 Hinchman Road	ZVE-1009	RDG-2			26/100'		15.3/15%								New dwelling with detached garage; Garage depth 31/24'; garage height 22/20'		Y
15	Estate of Patricia E. Ekes	905	6	220 Old Marlton Pike	ZVE-1008	HM														Certificate of Nonconforming Use, to continue use as residential dwg	Y
16	Hartford Square Associates, LLC	401	14.03	131 State Route 70	ESL-191	HM													Drive-thru expansion; freestanding and façade variances	Parking spaces 81/40	Y
17	Thomas & Jennifer Knopple	805.01	41	11 Atkinson Court	ZVE-1013	GMN					38.1/25%								In-ground pool		Y
18	Amy Oattes	3304	1	1 Cedar Ave.	ZVE-1015	GD		25.16/50'	20.5/50'		17.43/15%								443 SF Addition at rear of dwelling		Y
19	Alex & Karoline Kokolis	3203	1.16	6 Heron Court	ZVE-1016	RGD-1		19.4/30'		11.5/10%	26.3/20%								324 SF Sunroom addition to dwelling & paver patio		Y
20	Roselli Property, LLC	202	7.01	155 Church Road	SPR-5731A	GMN														Amended Use Var for 27 seats & 9 additional gravel parking spaces	Y
21	Nabil M. Hourani	4804	2	295 Tuckerton Road	ZVE-1014	GD													(application was bifurcated)	Use Var for commercial parking and storage at residential dwg	No
22	Benjamin Allen	6403	1.01	216 Jackson Road	ZVE-1012	RGD-1									20/50'				2,000 SF Detached garage; Depth 35/24'; Height 26/20'; Capacity 6/3 vehicles		Y
23	Austin Bocchicchio	4702.02	21	15 Highwoods Court	ZVE-1019	RGD-1													New Residential Dwelling; Garage depth 25/24'		Y
24	Michael McDyer	5505.06	3	15 Catamount Drive	ZVE-1018	RGD-2					25/20%						620/168		Shed 240/168 SF, Cabana 380/168 SF, and new Deck - & Pavers		Y
27	Sandford F. Schmidt	1601	14	29 Union Street	SPR-5737	RC														Use Var - Conversion of office to dwelling	Y
28	Michael V. Humenick	2709	15	25 White Pine Drive	ZVE-1010	GD		5.2/30'		16.6/12%		0/15'	3.5/15'				3/1		704 SF Attached Garage; garage depth 32/24'; pergola and tiki bar setbacks		Y
29	David & Diedre Robidoux	4704	1.04	5 Rams Gate Court	ZVE-1015	RGD-1		37/50'			15.89/15%								942 SF addition to dwelling		
30	Debra LeCates	3202.03	38	114 Pine Cone Trail	ZVE-1017	GD			22/50'	14.34/12%							288/168		2-story addition and front porch to dwelling; new shed		Y
31	Bryan Shirley	3709	5	211 Taunton Blvd.	ZVE-1024	GD	45.77/50'	21/30'	39/50'	24.87/12%	40.4/30%	2.5/5'							Renovate dwelling and garage; deck/patio setback 10/30', relocate shed		Y
32	Catherine Kelly	404.30	41	13 Binstead Drive	ZVE-1025	GMN-AR			5.5/10'										128 SF Sunroom addition to dwelling; patio		Y
33	Christopher Tait	6309	3	9 Cedar Falls Drive	ZVE-1022	RGD-2	42.8/75'	24.7/50'			17.75/15%	5/50'							Porch and addition to dwelling; New detached garage		Y
34	Alex & Rebecca Collins	5602	7	15 Pocahontas Trail	ZVE-1023	RGD-2					26.33/15%	4.7/50'							144 SF Shed		Y

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							Front	Side	Rear			Side	Rear	Size (SF)	#			
35	Gardner-Medford Inc.	6501.08	15	Cliffswallow Drive & Elderberry Drive	ZVE-1032	RGD-2										New dwelling with 1,268 SF attached garage; Width 51.5/45', Depth 25/24'		Y
36	17-19 Branch Street, LLC	1402	4	17-19 Branch Street	PBC-516A	RHO	lot 4.01-10.92/15'	lot 4.02 & lot 4.03-6.37/15'	lot 4.01-28.47/40' lot 4.02-28.23/40' lot 4.03-25.61/40'			lot 4.01 & 4.02-6/10'	lot 4.01, 4.02, 4.03-6/10'			Minor Subdivision Approval, SF res dwellings, Lot Depths: lot 4.01 - 95.49/120' lot 4.02 - 95.25/120' lot 4.03 - 92.34/120'; with detached garages, front yard set back for garage lot 4.03- 10'/not premitted; erection of 6-foot vinyl fence.		Y
37	Pietro Sparacio	5502	1.13	11 Slab Branch Road	ZVE-1034	RGD-2										672 SF Detached carport; capacity >3		Y
38	Mark Kaufer	6304	7	4 Scout Drive	ZVE-1030	RGD-2	22.8/75'		39.1/100'	<11.8/10%	23.1/15%			26.9'/50'		New dwelling; Lot depth 145.43/300'; Pool rear setback		Y
39	Joseph & Andrea Peregman	4701.06	2	2 Glen Lake Drive	ZVE-1026	RGD-2					17.3/15%	40/50'				New in-ground pool and decking		Y
40	Christopher Bradley	4903	161	164 Lakeside Drive East	ZVE-1027	GD	12.7/50'			21/12%	50/30%					Attached garage		Y

Numbers are expressed as "proposed/required"