

**FLORENCE TOWNSHIP PLANNING BOARD**

**RESOLUTION NO. Z.B.-2019-06**

*Application* ZB#2019-05

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF  
ROBERT W. BATES, Jr.  
BLOCK 97, LOT 6  
RA- LOW DENSITY RESIDENTIAL ZONING DISTRICT  
BULK VARIANCE  
AREA OF ACCESSORY STRUCTURE  
APPROVAL**

**Decided:** May 6, 2019  
**Resolution Memorialized:** June 6, 2019

**WHEREAS**, Robert W. Bates, Jr. has made application to the Florence Township Zoning Board of Adjustment seeking variance approval to allow construction of a 30' x 32' residential accessory garage at a property located at 166 Kinsman Road and known on the Official Tax Maps of the Township of Florence as Lot 6 of Block 97;

**WHEREAS**, the applicant is the owner of the subject property;

**WHEREAS**, upon a finding that the applicant had provided proper mailed and published notices of hearing and that jurisdiction was proper in the Board, it opened a hearing on the application at its May 6, 2019 regular meeting;

**WHEREAS**, the applicant, appeared, was sworn, and offered his testimony in support of the application;

**WHEREAS**, the Board granted certain submission waivers based upon the recommendations of the Board Engineer, and found the variance application sufficiently complete to be heard;

**WHEREAS**, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the subject property, and therefore has standing to bring this matter before the Board.
2. The applicant has provided proper mailed and published notices of hearing, and jurisdiction is proper in the Board.
3. Application has been made for bulk variance and use variance approvals to allow construction of a 30' x 32 residential accessory garage in the rear yard of a property located at 166 Kinsman Road and known on the Official Tax Maps of the Township of Florence as Lot 6 of Block 97.
4. The applicant has submitted the following documents in support of its application:
  - a. A completed Township of Florence Land Development Application;
  - b. A completed Township of Florence Variance Application Checklist of Submission Requirements;
  - c. Proof that no taxes were due on the subject properties at the time of the application;
  - d. Survey and Plan of Property prepared by Avi Luzon, PLS, dated 04/04/18;
  - e. Photograph of the proposed pole built garage;
  - f. Statement of the legal justification for the proposed structure prepared by the applicant and dated May 1, 2019
  - g. Zoning Officer's Certification;
  - h. An executed Escrow Agreement;
  - i. Proper application and escrow fees as required by ordinance;
5. The Board's Planner, Barbara Fegley, AICP, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated April 25, 2019 which is hereby incorporated into the record.

6. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted review letter dated April 25, 2019 commenting upon the application which is hereby incorporated into the record.
7. The size of accessory buildings is limited to 250 sq. ft. in area in the RA Zone District, but the proposed building has 960 sq. ft. footprint.
8. The dwelling on the subject property is 1,200 sq. ft. in area, and the subject property is approximately 16,123 sq. ft. in area.
9. The applicant testified that there are several similar buildings on other nearby residential lots, that he proposes to store his own personal vehicles, antiques, and hobbyist woodworking equipment, that he proposes to bring electricity into the new building (but not water & waste water services), that he plans to use exterior finishes on the new building that are complementary to those on his home and similar in color, and that he does not presently plan to extend a driveway to the new building, but that a pervious material would be used if he were to do so. The vehicles are now stored outside. Access is proposed to be from the alley known as Pine Grove Lane that is at the rear of the property.
10. The applicant further testified that the house at the subject property does not have an attic for storage, that the nearest home is about 120 ft. from the location chosen for the new garage, and that there is no development at the rear of the property due to a ravine on the far side of the alley. Existing trees and shrubs will block views of the new building from the neighboring property, and he intends to supplement these plantings as a part of the project.
11. The Board Engineer analyzed the existing and proposed lot coverage and opined to the Board that with the new building, development on the property would not exceed lot coverage limitations for the RA Zone District, but that addition of an impervious driveway for access to the proposed new building could potentially take the property over applicable impervious lot coverage limits.
12. The Board accepts as credible and probative the testimony of the applicant that the proposed development will be consistent with the general pattern and intensity of development of other properties in the surrounding neighborhood where there are other buildings of similar size to the proposed new building, and

that the proposed building location will provide good visual screening of the new building from adjoining properties.

13. No public comment was offered on the application.

Conclusions of Law:

The initial issue posed by this application is whether the applicant's request to construct a residential accessory building that is 960 sq. ft. in area when the applicable ordinances restrict the maximum area of such structures to a maximum of only 250 sq. ft. triggers a use variance for a second principal structure at the subject property, or whether since the use of the proposed building is for the storage of personal vehicles, antiques and hobbyist woodworking tools, the requested variance relief is merely a bulk variance for an over-large residential accessory structure. The Board acknowledges and respects the Zoning Officer's concern about the scale of the proposed building, especially in light of the 250 sq. ft. limitation for such structures set forth in the ordinances. With regard to this particular proposal in the RA Zone where there are other similarly sized structures on residential lots, where the uses proposed are so clearly accessory to the residential use of the property and dwelling, and where the proposed new building is exceptionally well screened from and distant from other neighboring homes, the Board concludes that this is a residential accessory structure, and that only bulk variance relief is required.

The Board finds that the proposed bulk variance for accessory building area can be granted pursuant to NJSA 40:55D-70(c)(2), because the proposed new structure in the proposed location provides a better zoning alternative (through providing efficient use of land and an improved visual environment) than strict adherence to applicable standards, and the benefits to the general welfare of the proposed development substantially outweigh any detriment to the public good or impairment of the zone plan which would result from this deviation from the ordinance standard. Therefore, the Board finds it appropriate, pursuant to NJSA 40:55D-70(c)(2), and subject to appropriate conditions, to grant the requested bulk variance.

In addition to the conclusions set forth above, the applicant has fulfilled the procedural requirements for the proposed development. Therefore, the requested bulk variance should be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of Robert W. Bates, Jr. seeking bulk variance approval to allow construction of a 30' x 32' residential accessory garage at a property located at 166 Kinsman Road and known on the Official Tax Maps of the Township of Florence as Lot 6 of Block 97, be and hereby is, **GRANTED**, subject to the following conditions:

1. The Board has relied upon the testimony of the witnesses and factual findings discussed in the body of this Resolution, and such testimony and findings are incorporated as conditions of this approval as though set forth at length herein.
2. The exterior colors of the proposed new residential accessory building shall be consistent with the finishes on the dwelling at the subject property.
3. There shall be no business or commercial use of the proposed new building and it shall not be rented or used for storage by any non-owner of the subject property.
4. Electricity may be provided in the new building, but not domestic water and wastewater services.
5. No additional stormwater shall be directed onto adjoining properties as a result of the new development.
6. All taxes and escrow fees for professional review must be paid current and in full.
7. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: Burlington County Planning Board. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board.
8. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall

have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.

9. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
10. Perfection of this approval shall be by filing of appropriate deeds. The applicant shall submit the legal descriptions to the Board Engineer, and the deeds to the Board Solicitor for their review and approval.
11. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not perfect this approval within one year days of the date hereof (or such extended date as may be provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

**MOTION TO APPROVE BULK VARIANCES:**

Moved by : Mr. Drangula  
Seconded by : Mr. Lutz  
In Favor : Mr. Drangula, Mr. Lutz, Mr. Cartier, Mr. Sovak, Mr. Patel,  
Mr. Puccio, Chairman Zekas  
Opposed : None  
Abstained : None  
Recused : None  
Absent : Mr. Buddenbaum, Ms. Mattis

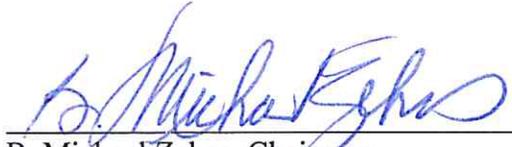
**MOTION TO ADOPT RESOLUTION:**

Moved by : Mr. Lutz  
Seconded by : Mr. Cartier  
In Favor : Mr. Lutz, Mr. Cartier, Mr. Drangula, Mr. Patel,  
Mr. Sovak, Mr. Puccio, Chairman Zekas  
Opposed : None  
Abstained : Mr. Buddenbaum  
Absent : None

**FLORENCE TOWNSHIP PLANNING BOARD**

Dated:

6 JUNE 2019

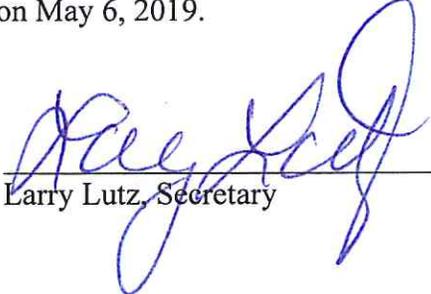
  
B. Michael Zekas, Chairman

**CERTIFICATION**

**BE IT REMEMBERED** that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on June 6, 2019 and memorializes a decision taken by the Board on May 6, 2019.

Dated:

6/06/2019

  
Larry Lutz, Secretary