

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. Z.B.-2020-06

Application ZB#2020-01

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
EDWARD LEIGH
BLOCK 168, LOT 1.01
AGR- AGRICULTURAL ZONING DISTRICT
BULK VARIANCES
AREA OF ACCESSORY STRUCTURE
IMPERVIOUS LOT COVERAGE
APPROVAL**

Decided: February 3, 2020
Resolution Memorialized: March 2, 2020

WHEREAS, Edward Leigh has made application to the Florence Township Zoning Board of Adjustment seeking variance approval to allow construction of a 20' x 63' x 15' tall lean-to addition to an existing 3,280 sq. ft. residential accessory building at a property located at 1082 Florence-Columbus Road and known on the Official Tax Maps of the Township of Florence as Lot 1.01 of Block 168;

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

WHEREAS, upon a finding that the applicants 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 February 3, 2020 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 was made for bulk variance and use variance approvals to allow construction of a 20' x 63' x 15' tall lean-to addition to an existing 3,280 sq. ft. residential accessory building.
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. Plan of Survey prepared by Bruce Benish, PLS, dated November 18, 2019 showing the property outbounds and improvements which has been annotated by the applicant to show the location and extent of the proposed development;
 - e. Statement in support of the application prepared by the applicant and received by the Board on January 9, 2020;
 - f. A series of three photographs of the existing accessory building and the applicant's new RV which he proposes to park under the proposed building addition;
 - 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 January 27, 2020 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 January 27, 2020 commenting upon the application which is hereby incorporated into the record.
7. There are existing non-conformities with current bulk standards that are noted for the record, but which are not affected by the proposed development. Most significantly the subject property is only two acres in size when three acres are presently required, and the existing accessory building is only 9.2 ft. from the rear property line when a setback of 25 ft. is required.
8. The Board's professionals also noted in their review letters that existing impervious lot coverage is approximately 23%, permitted coverage is 20%, and with the proposed building addition coverage will be just under 25%. The applicant amended the application in the course of the public hearing to request an impervious lot coverage variance that would allow up to 25% impervious lot coverage.
9. Ordinance §91-162 limits the size of accessory buildings to 600 sq. ft. in area, but the accessory building will be a total of 4,450 sq. ft. after construction of the proposed addition.
10. The applicant testified that he plans to park his RV and other vehicles such as a jeep and boat under the proposed addition, access will be via the existing gravel driveway (which will not need to be expanded to accommodate the addition), no new asphalt or grading is proposed, the existing building and the addition will not be visible from the road, immediately behind the subject property there is a barn on the farm, the building is used exclusively for storage of personal property (not any business use), the entire building will be re-sided as a part of the proposed construction, and there are no neighbors other than the surrounding preserved farm on his side of the street.

11. The Board accepts as credible and probative the testimony of the applicant that the proposed development will be consistent with the surrounding uses where there are other buildings of similar size to the proposed new building and that the proposed impervious lot coverage variance is necessitated by the existing lawful development on the property.
12. Public comment was offered on the application by Robert Schoen, whose family owns the preserved farm that surrounds the subject property and who formerly owned the subject property. He spoke in favor of the application and testified that the subject property has very sandy soils, there are presently no runoff or drainage problems, and the cross driveway at the front of the property was built as a safety measure to allow internal movement between the principal driveway serving the dwelling and the driveway serving the accessory building without entering traffic on busy Florence-Columbus Road.

Conclusions of Law:

The initial issue posed by this application is whether the applicants' request to construct an addition to residential accessory building that will result in a structure with a total area of 4,450 sq. ft. after construction of the proposed addition when the applicable ordinances restrict the maximum area of such structures to a maximum of only 600 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 property such as vehicles and boats, 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 600 sq. ft. limitation for such structures set forth in the ordinances. With regard to this particular proposal in the AGR Zone where the uses proposed are so clearly accessory to the residential use of the property and dwelling, 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 variances for accessory building area and impervious lot coverage can be granted pursuant to NJSA 40:55D-70(c)(2), because the

proposed accessory building 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. The location of the subject property surrounded by preserved farmland upon which there are nearby barns that are also very large building supports the Board's finding that the negative criteria are amply addressed by this application. Therefore, the Board finds it appropriate, pursuant to NJSA 40:55D-70(c)(2), and subject to appropriate conditions, to grant the requested bulk variances.

In addition to the conclusions set forth above, the applicant has fulfilled the procedural requirements for the proposed development. Therefore, the requested bulk variances 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 Edward Leigh seeking variance approval to allow construction of a 20' x 63' x 15' tall lean-to addition to an existing 3,280 sq. ft. residential accessory building at a property located at 1082 Florence-Columbus Road and known on the Official Tax Maps of the Township of Florence as Lot 1.01 of Block 168, 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. 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.
3. No additional stormwater shall be directed onto adjoining properties as a result of the new development.
4. All taxes and escrow fees for professional review must be paid current and in full.
5. 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:

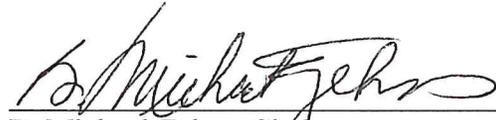
Moved by : Mr. Buddenbaum
Seconded by : Mr. Lutz
In Favor : Mr. Buddenbaum, Mr. Lutz Mr. Cartier, Ms. Mattis, Mr. Patel,
Mr. Sovak, Chairman Zekas
Opposed : None
Abstained : None
Recused : None
Absent : None

MOTION TO ADOPT RESOLUTION:

Moved by : Lutz
Seconded by : Cartier
In Favor : Lutz, Cartier, Buddenbaum, Mattis, Patel, Sovak, Zekas
Opposed : None
Abstained : None
Absent : None

FLORENCE TOWNSHIP PLANNING BOARD

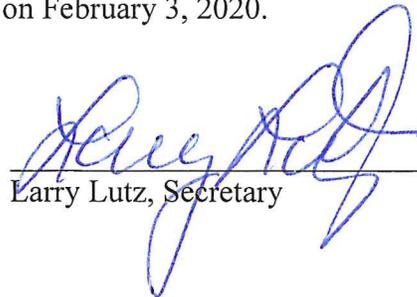
Dated: 3/2/2020


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 March 2, 2020 and memorializes a decision taken by the Board on February 3, 2020.

Dated: 3/02/2020


Larry Lutz, Secretary