

DORAN

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MEMO TO: City of Northfield Planning/Zoning Board

FROM: Matthew F. Doran, Board Engineer

DATE: March 22, 2021

RE: Mary Rose Pullo
Doran #9690

LOCATION: Second Street
Block: 111 Lot: 20

STATUS: Use Variance to allow a Shed as a Primary Structure on the Property.

BASIS FOR REVIEW:

Property Survey by Arthur Ponzio, Co., dated 2-5-2021
Application form, undated
Copy of Tax Map Sheet, undated
City of Northfield, Denial of Permit, signed by Mike Dattalo, 4-20-2020
Adjoining owners list within 200', dated 7-16-2020, updated 2-12-2021
Copy of Quit Claim Deed, dated 10-9-2007
Cover letter, dated 2/22/2021

USE: Single Family

ZONING REQUIREMENTS: This property is located in the R-3, which allows primarily for Residential; the following are R-3 Bulk Requirements for the proposed project:

ITEM	REQUIRED R-3 ZONE	PROPOSED	CONFORMITY
LOT AREA	6,000 SF	3,750 SF	DNC
LOT WIDTH	50'	25'	DNC
SETBACKS:			
FRONT (Second Street)	25'	128'	C
SIDE	10'	3.5'	DNC
SIDE	15'	5'	DNC
REAR	25'	7.4'	DNC
HEIGHT	2 ½ sty/30'	1 sty	C
MIN.GROSS FLOOR AREA:			
ONE STORY	980 SF	250 SF +/-	DNC
TWO STORY	1,100 SF	-	-
BLDG COVERAGE	35%	.07%	C
TOTAL COVERAGE	50%	.07%	C

If this were an application for an accessory structure on a property or principal structure onsite, the setbacks would be as follows:

ITEM	REQUIRED R-3 ZONE	PROPOSED	CONFORMITY
Accessory Structure			
Side	10'	3.5'	DNC
Rear	5'	7.4'	C

PROJECT DESCRIPTION:

This is an application for a Use Variance, d (1) in order to construct a 250 SF +/- shed on a single- family lot, with no principal structure. As outlined in Section 215-17- Accessory Buildings- ” accessory buildings must be located on the same lot as the principle use to which they are accessory.”

PLANNING REVIEW:

1. The applicant has requested a Use Variance, d (1) in order to utilize a shed as a principal use, where no principal structure is proposed.
2. **A use variance falls under the justification of the Zoning Board as permitted in NJS 40:55D-60.a and 40:55D-70.d, the Board may “in particular cases and for special reasons grant a variance to allow departure from regulations pursuant to Article 8 of this act to permit; (1) a use or principal structure in a district restricted against such use or principal structure, (2), an expansion of a non-conforming use, (3) deviation from a specification or standard pursuant to Section C. 40:55D-67 pertaining solely to a conditional use, (4) an increase in the permitted floor area ration as defined in Section 3.1 of P.L.. 1975, c. 291 (C. 40:55D-4), (5) and increase in the permitted density as defined in section 3.1 of P.L. 1975, c. 291 (C.40: 55D-4), except as applied to the required lot area for a lot or lots detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision or (6) a height of a principal structure which exceeds by 10 feet for 10% the maximum height permitted in the district for a principal structure. A variance under this section shall be granted only by affirmative vote of a lease five members, in the case of a municipal board, or 2/3 of the full authorized members, in the case of a regional board, pursuant to article 10 of this act [40:55D-77 to 40:55D-88].**

The applicant must prove, and the Board must find “quality of proof as well as clear and specific findings” that the granting of this variance will not be inconsistent with the intent and the purpose of the Muster Plan and Zoning Ordinance. This is commonly known as the Negative Criteria.

The applicant must also show “special reasons” for the Board to grant this variance. Special reasons have been defined as those reasons that carry out a purpose of zoning.

The applicant needs to provide additional testimony as to how the d (1) variance can be granted in accordance with the criteria outlined above within the M.L.U.L.

The Municipal Land Use enunciates the purpose of Zoning as:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;

- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, communities and regions and preservation of the environment;
 - e. To promote the establishment of appropriate population densities and concentration that will contribute to the wellbeing of person, neighborhoods, communities and regions and preservation of the environment;
 - f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
 - g. To provide sufficient space in appropriate locations for a variety of agricultural residential recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs to New Jersey Citizens;
 - h. To encourage the location and design transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion and blight;
 - i. To promote a desirable visual environment through created development techniques and good civic design and arrangement;
 - j. To promote the conservation of historic sites and districts, open space energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation on the environment through improper use of land;
 - k. To encourage planned unit developments which incorporate the best features of design and related the type, design and layout of residential, commercial, industrial and recreation development to the particular site.
 - l. To encourage senior citizens community housing construction;
 - m. To encourage coordination of the various public and private procedures and activities shaping land development with the view of lessening the cost of such development and to the more efficient use of land;
 - n. To promote utilization of renewable energy sources
 - o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning and practices designed incorporate the State Recycling goals and to complement municipal recycling programs;
3. The applicant will also require Variance Relief for various bulk standards, as listed in this report.
 4. The Board has the power to grant the bulk variances provided the applicant can demonstrate to the Board's satisfaction, that either:
 1. (a) By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or (c) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures awfully existing thereon, the strict application of the zoning regulations would result in the peculiar and exceptional practical difficulties to or exceptional and undo hardship upon the development of the property. [C (1)]
 2. Where purposes of the Municipal Law Use would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment. [C (2)]

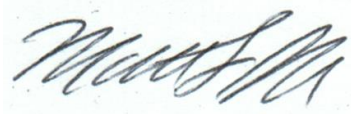
It should be noted that:

1. No variance may be granted without showing that such variance can be granted without Substantial detriment to the public good and will not substantially impair the intent and the Purpose of the zone plan and zoning ordinance.
5. The site presently contains curbs and sidewalks across the frontage of the property as required.
6. The site appears to contain a number of larger trees onsite.

The applicant should discuss with the Board, if additional street trees are required.

If you have any questions or require further information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Matthew F. Doran', is written over a light blue rectangular background.

Matthew F. Doran, P.E., P.P., P.L.S.
Engineer