

2012 ANNUAL REPORT

of the

MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT

This Annual Report covers the Board's actions from January 1, 2012 through December 31, 2012. During this time span, the Millstone Township Zoning Board of Adjustment (Zoning Board) conducted six (6) regular meetings.

The Zoning Board rendered decisions on the merits on six (6) applications. This is the same amount of applications in 2011. One (1) of the applications before the Zoning Board was a request by the Township of Millstone for an Administrative Change to their Minor Site Plan Approval for the Allen House, which was granted.

Many applications included more than one variance request as reflected below in Tables 1 and 2. The Zoning Board approved five (5) applications (83%), and denied one (1) applications (17%). Tables 1 and 2 illustrate variance and application request information by respective zoning districts and type of variance requested. A summary of each application is also attached.

The Zoning Board reviews applications with an eye toward reducing the intensity and quantity of variances by working with applicants to develop improved designs. Through this process, the number of variances that are initially requested is often reduced.

TABLE 1: VARIANCES & APPLICATIONS APPROVED-2012

TYPE →	Lot area/ shape/depth	Use Variance	Setback	Admin. Change	Size of Accessory Structure	Steep Slope	Totals
ZONE ↓							
BP		1					1
R-80		1			1	1	3
NC				1			1
Totals	0	2	0	1	1	1	5

TABLE 2: VARIANCES & APPLICATIONS DENIED-2012

TYPE →	Lot area/ shape/depth	Use Variance	Major Site Plan	Setback Principal Structure	Setback Accessory Structure	Soil Removal	Extension of Time	Totals
ZONE ↓								
HC-1		1	1					2
Totals	0	1	1	0	0	0	0	2

2012 SUMMARY

“D” VARIANCES

Applicants requested three (3) D Variances from the Zoning Board in 2012. Two (2) of the Use Variances (Hawk – Expansion of Non-Conforming Use & CKV Realty Inc. – Retail Trade in the BP Zone) were granted and one (1) Use Variance was denied. (Route 537 Holding Company – Miniature Golf Course in HC-1 Zone)

The Zoning Board considers each variance request carefully by meticulously analyzing the context-sensitive fashion of each request while remaining cognizant of the overall neighborhood impact. The Zoning Board also weighs the impact any variance may have on the Master Plan when reviewing the merits of any variance request to ensure the development will not have a substantial negative impact on its purpose or intent.

BULK VARIANCES

Applicants requested three (3) Bulk Variances, which were approved. Applicants requested bulk variances which can be broken down into the following categories:

1. Administrative Change:

One (1) Variance Requested; One (1) Variance Approved (Millstone Township-Allen House); Zero (0) Variances Denied.

2. Steep Slope:

One (1) Variance Requested; One (1) Variance Approved (Gesualdo); Zero (0) Variances Denied.

3. Size of Accessory Structure:

One (1) Variance Requested; One (1) Variance Approved (Rush); Zero (0) Variances Denied.

VARIANCE REQUESTS BY ZONING DISTRICT

BP Zone (CKV Realty)

Applicant requested Use Variance for retail sales in BP Zone for Nursery and Retail Garden Center and Major Site Plan Approval. The Use Variance was granted and the Major Site Plan approval without variances and design waivers was also granted.

R-80 Zone (Hawk, Gesualdo & Rush Applications)

Hawk requested an expansion of non-conforming use to add a 500 square feet to one of the two residences on the property.

Gesualdo requested relief from steep slopes to stabilize retaining wall and apply top soil and plant trees.

Rush requested relief to construct an accessory structure of 2,775 square feet, where 1,512 square feet existed. Ordinance limits accessory structure to 900 square feet.

NC Zone (Township of Millstone -Allen House)

The Township of Millstone requested an Administrative Change to their Minor Site Plan approval to revise the plan to provide two dwelling unit of 10 units each.

RECOMMENDATIONS

The Zoning Board did not make any recommendations this year.

2012 BOARD OF ADJUSTMENT RESOLUTION INDEX

App#	Application	Zone	Var	Date
Z11-04	ROUTE 537 HOLDING COMPANY, LLC. – Block 56, Lots 13.01 and a portion of Lot 14. Located on Route 537 in the HC-1 Zoning district; Lot 13.01 consisting of 4.163 acres and the application concerns a 2-acre portion of Lot 14. Applicant seeks minor subdivision approval to convey 2 acres from Lot 14 to Lot 13.01 increasing the Lot 13.01 lot size to 6.163 acres. Applicant sought use variance, bulk variance, preliminary and final site plan approval to develop a miniature golf facility. Application Denied.	HC-1	Use Variance Denied	2-14-12
Z07-12	ALLEN HOUSE – Block 35, Lot 13.03. Located at 477 Stage Coach Road in the NC Zone. Property consists of 4.34 acres. On March 31, 2008, the applicant received Preliminary and Final Site Plan approval, Minor subdivision approval and use and bulk variance approval to remove the existing residential building, out buildings and barns and construct two (2) multi-family COAH dwellings for purposes of providing rental housing for the age-restricted. A combined total of 12 residential units were approved but the applicant has downsized that to 10 residential units and, therefore, a Minor subdivision of the property was not needed. The applicant sought an extension of time in order to perfect the Plan. An extension of time was granted in June 2009. Applicant sought to downsize the project and sought administrative guidance.	NC	Admin.	N/A
Z12-01	HAWK, DANIELLE – Block 31, Lot 28. Located at 106 Agress Road and 108 Agress Road consisting of 2.3509 acres in the R-80 (Rural Residential) Zone. Two residents exist on the property. Applicant sought and received a D variance, expansion of a non-conforming use to increase the footprint of 108 Agress Road by		D Variance	3-28-12 (time runs 3-28-13)

	500 s.f.			
Z12-03	GESUALDO, Ronald – Block 37.03, Lot 29.05 located at 119 Agress Road consisting of .99 acres in the R-80 (Rural Residential) zone. Applicant seeks variance relief from Section 11-24.3 of the Township Zoning Ordinance, disturbance of steep slopes. The applicant seeks to stabilize the area by installing a retaining wall, apply top soil, seed and plant trees. Deemed Complete: 3-8-12. Date of Action 6-30-12. Noticing required. Board granted the application.	R-80	Steep Slopes	4-25-12
Z11-03	CKV Realty, LLC – Block 57, Lot 16. Located at 33 Burnt Tavern Road consisting of 53.38973 acres in the BP (Business Park) Zone. Applicant seeks approval to operate a nursery and retail garden center including the construction of nine (9) structures. Applicant sought Use Variance, Preliminary and Final Site Plan Approval, along with variance relief concerning side yard setbacks, buffering to adjacent residence, off-street parking, parking lot spacing and signage.	BP	D- Variance and bulk variances approved	5-23-12
Z12-02	Z-12-02 –RUSH, Gary – Block 27, Lot 9.01. Property located at 19 Pinehill Road consisting of 5.17 acres in the R-80 (Rural Residential) Zone. Applicant seeks relief from Section 4.9-3 of the Land Use and Development Ordinance where 900 sq. ft. if the maximum size of an accessory structure, applicant sought to construct a 1,268 foot (approximate) to the existing 1,512 foot (approximately) pole barn.	R-80	Bulk Variance	5-23-12