

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

April 22, 2022

Willingboro Township Zoning Board of Adjustment
Municipal Complex
One Salem Road
Willingboro, New Jersey 08046

Attn: Reyan Frank, Zoning Board Secretary

**Re: Aaron Mitchell – Proposed Detached Garage
Use Variance Application - Review #1
28 Thornleigh Place
Block: 1113, Lot: 18
Zone: R-2 Residential
Willingboro Township, Burlington County, NJ
Our File: HWLZ1113.01**

Dear Zoning Board Members:

Our office has performed a review of the above-referenced application including, but not limited to, the following:

- Plan entitled "Plan of Survey of Block 1113, Lot 18 located in Township of Willingboro, Burlington County, NJ" consisting of one (1) sheet, prepared by Avi Luzon, PLS, dated June 24, 2009, last revised November 9, 2017;
- Architectural Floor Plans & Elevations, consisting of two (2) sheets, prepared by William R. Reyner, R.A., A.I.A. Architect, dated September 5, 2017, unrevised November 9, 2017; and
- Zoning Board Application with various submission documents.

Based upon our review, we offer the following comments:

1) Project Description

The subject property, located at the bulb of the cul-de-sac contains approximately 15,543 square feet (0.357 acres) within a R-2 Zone District and provides 55 feet of frontage along Thornleigh Place. Currently, the property contains a one-story residential dwelling of approximately 3,180 square feet and its associated asphalt driveway leading to an attached two-car garage at the westerly corner of the dwelling and also extended through the westerly side yard. A concrete and stone patio occupies the rear yard of the property.

The Applicant is seeking d-1 Use Variance approval to construct a 912 square feet L-shaped detached garage to be located on the northwesterly corner of the property. Other than the detached garage, the Applicant has not proposed any other site improvements on the property.

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2) Surrounding Uses

The property is within the R-2 Residential District and is surrounded by single family homes to the north, east, and west.

3) Zoning Compliance

The proposed detached garage is a permitted accessory building which is customarily incidental to the existing principal one-story building on the property in accordance with §370-15G. However, in accordance with §370-13A, “No accessory building in any R-1, R-2, or R-3 Residential Zone shall be detached, except one used as a dollhouse, greenhouse, toolshed, wellhouse or doghouse and which shall conform to the bulk requirements for accessory buildings as indicated §370-13A.

The materials provided by the applicant indicate that the garage will be used as a toolshed and doghouse, and that some portions of this proposed garage structure will be used for storage of materials related to a remodeling business. Typically, a garage that functions as a toolshed would be permitted as an accessory use on a residential property, provided that the storage is associated with general maintenance of the residence. With the garage proposed to be utilized in association with a separate business, a d-1 use variance will be required to conduct business operations on a residential property.

The table below summarizes the bulk requirements for single family dwelling in the R-2 Zone District:

Table 1: Bulk Standards, R-2 (Residential District) Zone (§370-7)			
Standard	Required	Existing	Proposed
Minimum Lot Area (square feet)	12,000	15,543	15,543
Minimum Lot Frontage (ft.)	100	55	55 (EC)
Principal Building Setbacks			
Front Yard (ft.)	25	28.48	28.48
One Side Yard (ft.)	6	13.08	13.08
Both Side Yard (ft.)	13	29.08	29.08
Rear Yard (ft.)	20	19.62	19.62 (EC)
Detached Accessory Building Setbacks			
Side Yard (ft.)	4	4	1.07 (V)
Rear Yard (ft.)	4	4	3.69 (V)
Lot (Impervious Surface) Coverage	35%	34.26%	40.13% (V)
Maximum Number of Stories	2 ½	1	1
Maximum Building Height (ft.)	35	<35	<35
Minimum Floor Area (s.f.)	1,100	3,177	3,177



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Standard	Required	Existing	Proposed
Maximum Floor Area - Accessory Structure (s.f.)	200	N/A	912 (V)
Maximum Height - Accessory Structure (feet)	12	N/A	20 (V)

(EC): Existing Condition (V): Variance Required

4) Completeness

The Applicant has requested several waivers from the Township of Willingboro Site Plan Checklist. However, it is our understanding that site plan approval is not being sought at this time. Due to the nature of the application, our office has reviewed the information provided and we take no exception to granting these waivers.

Based upon the above, our office recommends that the application for a use variance and bulk variances be deemed **COMPLETE**.

5) Variances and Waivers Required

The Applicant has requested the following variances from the requirements of the Township Code:

- a) **Section 370.13A** – No accessory building in any R-1, R-2, or R-3 Residential Zone shall be detached, except one used as a dollhouse, greenhouse, toolshed, wellhouse or doghouse and which shall conform to the bulk requirements for accessory buildings as indicated §370-13A; whereas, the proposed accessory building will be detached, and function as storage for a commercial remodeling business.
- b) **Section 370.7 – Schedule of Area, Yard and Height Requirements.**
 - i. Detached accessory building side yard setback in R-2 Residential Zone shall be 4 feet; whereas, 1.07 feet is proposed.
 - ii. Detached accessory building rear yard setback in R-2 Residential Zone shall be 4 feet; whereas, 3.69 feet is proposed.
 - iii. Maximum lot coverage in R-2 Residential Zone shall be 35%; whereas, 40.13% is proposed.



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- c) **Section 370.13N(2)** – Detached accessory buildings shall not exceed 200 square feet and shall be no more than 12 feet in height; whereas, the proposed detached garage is 912 square feet and 20 feet in height.

We note the following existing non-conforming conditions associated with the property:

- d) **Section 370.7** – The minimum lot frontage is 100 feet, where the lot frontage is 55 feet.
- e) **Section 370.63** – The minimum principal building rear yard setback is 20 feet, where the principal building is 19.62 feet.

6) Planning Comments

- a) As this application is for a d-1 use variance, the applicant must meet an enhanced burden of proof, and satisfy both the positive and negative criteria:
 - i) **Positive Criteria** – There must be special reasons to grant the variance. Special reasons can be met in one of the following three ways: 1) that there is a practical hardship in using the land in conformance with the ordinance; 2) that the proposed use is inherently beneficial; or 3) that the proposed use will enhance the general welfare of the community and that it advances the purposes of zoning. The applicant must also show that the property is particularly suited for the proposed use.
 - ii) **Negative Criteria** – The applicant must demonstrate that the variance can be granted without substantially impairing the public good, and that it would not substantially impair the intent and purpose of the zoning ordinance. This means that it must be shown that using the proposed detached garage to store collector vehicles would not have substantial negative impacts on the surrounding communities, and that granting a variance is not inconsistent with the intent and purpose of the Township's zoning code.
- b) The applicant should provide special reasons supporting the granting of the required use variance and/or the bulk requirements for the proposed detached garage.
- c) Storage of materials customarily related to a residential use, such as a lawn mower and other equipment would generally be considered a permitted accessory use within the R-2 district. It is the stated intent to utilize some of this garage for storage in association with a remodeling business that is triggering the need for a use variance. The applicant's testimony and the Board's deliberations should focus on the potential impacts for this aspect of the garage.
- d) Regarding the use of the garage in connection with a remodeling business, the applicant should address whether this is simply for storage of some equipment related to the



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business, or the degree to which any business functions or operations will be taking place on the property.

- e) Aside from the potential commercial use of the garage, all other variances related to the structure are bulk variances. The applicant should provide testimony providing reasons behind needing a garage that will exceed the maximum permitted size and height for an accessory structure, and why the location of the garage cannot conform to the required 4-foot minimum setback requirements.

7) Engineering Comments

- a) Testimony relating to the overall proposed use of the detached garage should be provided.
- b) The applicant should provide testimony regarding existing and proposed drainage patterns, downspout locations, and potential drainage impacts to neighboring properties. It is recommended that, if use and bulk variance approval is granted, the applicant be required to submit a grading plan for approval.
- c) As a condition of approval, the applicant must obtain any other necessary permits and/or approvals that may be required from any governmental or quasi-governmental entities having jurisdiction over the project, including but not limited to, Building and Construction Permits and Inspections. Copies of all permits must be submitted to the Board and our office.

The right is reserved to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.



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Should you have any questions or require additional information, please do not hesitate to contact this office.

Very truly yours,
CME Associates

Bennett Matlack, PE, CME, CFM
Zoning Board of Adjustment Engineer

Christopher Dochney, PP, AICP
Zoning Board of Adjustment Planner

BM/LZ

cc: Ted Evans – Zoning Official (tevans@willingboronj.gov)
Zeller & Weiliczko, LLP – Zoning Board Solicitor (mweiliczko@zwattorneys.com)
Aaron Mitchell– Applicant (aaaronamitchelljr@yahoo.com)