

Plainsboro Township

Zoning Board of Adjustment

Application #Z24-02

(Use and Bulk Variances)

Memo Date: 5/14/2024

Meeting Date: 6/5/2024

Zoning Board Review

Name of Applicant: Brian Short and Rosanna Collars

Type of Application: Use Variance
[Twp. Code §20-21A(4)(d) & N.J.S.A. §40:55D-70d(4)]
Bulk Variances
[Twp. Code §20-21A(3) & N.J.S.A. §40:55D-70c(2)]

Name of Project: Short-Collars Residence

Property Location: 619 Plainsboro Road (Block 2002, Lot 12)

Zone: R-85 Residential Zone

Present Use of Property: Single Family Dwelling

Adjacent Land Uses: North: Queenship of Mary Rectory
South: Multiple Family (Crossing at Plainsboro apartments)
East: Municipal Complex and Rescue Squad properties
West: Single Family Dwelling

PROJECT DESCRIPTION

Expansion of Existing House

The subject property contains approximately 44,096 square feet of lot area, which is roughly equivalent to the area of three conforming lots (15,000 sq. ft.) in this R-85 Zone property. The property is surrounded on the north and east sides by institutional uses (Church Rectory, Municipal Complex, and Rescue Squad), on the south side by a multifamily development (Crossing at Plainsboro apartments), and on the west side by an existing single-family dwelling. The property contains an existing dwelling dating back to the late 1890s, which has local historical significance having been owned and occupied by members of the Wicoff family.

The applicant is proposing to add one and two story additions to the west and north sides of the existing dwelling, and to completely reconfigure the interior layout of the house. The existing house contains approximately 3,253 square feet of floor area, where the zone regulations permit up to 3,700 square feet. The applicant is proposing to add 2,422 square feet of living space to accommodate extended family members in one household, for a total floor area of 5,675 square feet. **Because the floor area added exceeds the maximum floor area allowed for a house in the R-85 Zone, the applicant requires Use Variance relief from the Zoning Board of Adjustment (Zoning Board).**

Proposed Garage and Existing Garden Shed

In addition to the proposed expansion of the existing house, the applicant is proposing to construct a three-car detached garage containing 715 square feet with a roof that measures 17.5 feet in height. The applicant also wishes to maintain an existing garden shed that contains approximately 107 square feet of floor area. While the R-85 Zone permits accessory buildings (e.g., garages, sheds, gazebos) to occupy up to 750 square feet in aggregate area on a lot, the zone limits the floor area of individual accessory buildings to 600 square feet and the maximum building height of such structures to 15 feet. **Because the proposed garage exceeds the maximum allowed floor area (600 sq. ft. allowed, 715 sq. ft. proposed) and building height (15 ft. allowed, 17.5 ft. proposed), and because the total lot area covered by accessory buildings exceeds the maximum allowed by the zone (750 sq. ft. allowed, 822 sq. ft. proposed), the applicant requires Bulk Variance relief from the Zoning Board.**

Others Bulk Variances

In addition to the bulk variances being requested for the garage floor area and height, and overall accessory building coverage, one of the proposed additions to the house contain a roof that has a slope of 4:12 (four inches of vertical rise in twelve inches of horizontal run), which is less than the minimum 5:12 required by the R-85 Zone regulations. Portions of the existing house (e.g., open front porch and screened side porch) also include roofs that are less than the 5:12 minimum roof slope standard. The applicant's proposal is substantially consistent with the roof slope conditions found on the existing house, in that the existing front porch remains unchanged at 3:12 and one of the one-story additions, which will include a new screened side porch, will have a roof slope of 4:12, compared to the existing side porch roof which is nearly flat at 1:12. **Since this new side addition will have a roof that has a slope of less than minimum required (5:12 required, 4:12 proposed), the applicant will need Bulk Variance relief from the Zoning Board for that portion of roof.**

Use Variances Generally

The Zoning Board has the authority to grant a Use Variance to permit a nonconforming use (e.g., single family dwelling exceeding FAR zone restriction) in particular cases and for **"Special Reasons"**. The promotion of the "General Welfare" is the zoning purpose in New Jersey Municipal Land Use Law (MLUL) that most closely describes the concept of Special Reasons. Another example of a Special Reason relating to the purpose of zoning is that of promoting the conservation or preservation of locally historic sites or structures that contribute to the history and character of a neighborhood.

Satisfying this Special Reasons requirement is also referred to as the "**Positive Criteria**." The benefit to the general welfare from a particular proposed use derives not from the use itself, but from the development of a particular site for a use that is "particularly suited" to the site (i.e., a single-family dwelling that exceeds the size limitation for the zone involving a particular property in the zone and neighborhood where it's located).

Aside from the positive criteria, the other factor that the Zoning Board must take into account when considering any type of variance (whether a "Use" or "Bulk" type), is the "**Negative Criteria**," which means -- 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 purpose of the zone plan and ordinance.

Bulk Variances Generally

Like Use Variances, Bulk Variances require the applicant to demonstrate that both the Positive and Negative Criteria standards have been satisfied. In the case of bulk variances, the Positive Criteria relate to conditions that must be demonstrated, including:

Peculiar and exceptional difficulty and/or exceptional and undue hardship resulting from complying with the applicable zoning bulk requirements (e.g., building setbacks) relating to characteristics particular to a given property, such as that the property involved is exceptionally narrow, shallow, irregularly shaped, or steeply sloped.

Given the situation involving the subject property, these standards do not apply to the applicant's case, rather the following alternative Positive Criteria standard may be considered:

Where the purposes of zoning will be advanced by a deviation from the zoning requirements (e.g., proposed reduced roof slope of screened porch, increased height of proposed garage), and where the benefits of the deviation will substantially outweigh any detriment to the public good or general welfare arising from such deviation (e.g., variance requested promotes a roof slope for porch addition compatible with the existing house, and promotes a roof slope on the proposed garage that is more consistent with the existing house and with the garage roof heights found in the nearby Village Center Zone; both contributing to the enhancement of the historic character of the property).

Zoning Board's Authority Regarding All Variances

The Board **may not** exercise its authority to grant either a Use Variance or a Bulk Variance unless they are confident that **both** the Positive and Negative Criteria standards have been met. Moreover, the "**burden of proof**" required to demonstrate satisfaction of both criteria **rests solely on the applicant** by way of the application submitted and the testimony offered by the applicant and others at the Board hearing.

STAFF COMMENTS

1. According to the Township records, the subject house is believed to have been constructed in the 1890s.
2. According to the application, public water and sewer serve the subject lot.
3. A comparison of the existing zoning requirements for this lot relative to the proposed addition to the existing dwelling are as follows:

R-85 Zone Requirements

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area:	15,000 sq. ft.	44,091 sq. ft.	no change
Lot Width/Frontage:	85' min.	219.61'	no change
Front Yard:	45' min.	24.6' *	no change
Rear Yard:	40' min.	104.8'	76.9'
Side Yards:	20' min.	87.8' & 61.6'	70.4' & 49.2'
Height: House	25' max.	≤ 25'	≤ 25'
Roof Slope:	5:12-12:12	3:12-9:12	4:12-9:12
Floor Area Ratio:	8.39% (3,700 sq. ft. dwlg. max.)	7.38% (3,253 sq. ft. dwlg.)	12.87% (5,675 sq. ft. dwlg.)
Accessory Bldgs.:			
Floor Area	750 sq. ft. total 600 sq. ft. max.	107 sq. ft. garden shed	822 sq. ft. total (garage + shed) 715 sq. ft. for garage
Height	15' max.	NA	17.5' garage

- Notes: 1) **Boldface text** above denotes non-conformance with the R-85 Zone requirements.
- 2) With reference to the "asterisk" (*) above, the existing house is located 24.5 feet from the street line of the property, where the zone regulations currently require a front setback of 45 feet. As noted above, this condition is a grandfathered condition pursuant to §101-14A (Existing Nonconforming Uses) and §101-5C (Conformity with Provisions) of the Township Code.

4. As expressed in the table above, except for the proposed floor area ratio and the proposed roof slope deviation for one of the proposed additions, all other aspects of the proposed enlarged house comply with the applicable bulk requirements (i.e., building setbacks, height, and roof slopes) of the R-85 Zone.
5. As noted in the table above, the applicant is proposing a detached garage that exceeds both the building height limitation (15 ft. allowed, 17.5 ft. proposed) and the floor area limitation for such a structure in the R-85 Zone (600 sq. ft. allowed, 715 sq. ft. proposed). The applicant is also proposing to exceed the overall floor area limitation for accessory buildings on a residential lot, which includes the proposed detached garage and an existing garden shed (750 sq. ft. total allowed, 822 sq. ft. total proposed).

While the applicant will provide testimony regarding the requested variances for the proposed garage, one of the benefits of the additional height being proposed is that the roof slope of the garage (6:12) will be more consistent with the roof slopes required for houses in the zone (5:12-12:12), and will be more consistent with the garages found in the nearby Village Center Zone where the garages measure approximately 18 feet in height versus the 17.5 feet here proposed.

6. Referring to the table above, the subject property has nearly 220 feet of frontage on Plainsboro Road and contains 44,091 square feet of lot area. For comparative purposes, a conforming lot in the R-85 Zone requires a minimum lot width/frontage of 85 feet and a minimum lot area of 15,000 sq. ft. The lot in question has more than twice the lot width/frontage and nearly three times the lot area of a conforming lot in the R-85 Zone.
7. Prior to the applicant's purchase of the property in 2022, Zoning Board staff received inquiries about a possible demolition of the existing home and the subdivision of the property into two lots. Given the width and area of the property, the subject property could readily be subdivided to into two separate lots, each lot containing a 3,700 square foot home and 750 square feet of accessory buildings, including 600 sq. ft. detached garages on each lot. Given this possibility, the Zoning Board may want to consider balancing the pros and cons of the what the applicant is now proposing versus the possibility that the property could be subdivided to create a less desirable condition than that which is currently proposed.

SUMMARY OF VARIANCES REQUESTED:

A. USE VARIANCE [Twp. Code §20-21A(4)(d) & N.J.S.A. §40:55D-70d(4)]:

1. Floor Area Ratio (FAR):

§101-46.A. (8.39% allowed, max. 3,700 sq. ft. home; 12.87% proposed, 5,675 sq. ft. home)

B. BULK VARIANCES [Twp. Code §20-21A(3) & N.J.S.A. §40:55D-70c(2)]

1. Roof Slopes:

§101-38.C. (5:12-12:12 allowed, one portion of roof proposed at 4:12)

2. Accessory Buildings:

§101-42.C. (750 sq. ft. aggregate allowed, 822 sq. ft. proposed)

§101-42.C. (600 sq. ft. single structure allowed, 715 sq. ft. proposed)

§101-42.C. (15 ft. max. building height allowed, 17.5 ft. proposed)

Approval Time Clock: 45+120 days (10/20/2024)