

TOWNSHIP OF HAMILTON MEMORANDUM

TO: ZONING BOARD OF ADJUSTMENT MEMBERS
FROM: Robert C. Poppert, PP, AICP, Township Planner
DATE: February 26, 2014
RE: ZONING BOARD ANNUAL REPORT - 2013

A quantitative analysis of the Board's decision for 2012 has been completed. The following are our findings:

1. The Board heard a total of twenty-five (25) requests for variances or waivers relating to setbacks, building coverage, lot area, height and accessory buildings, incongruous buildings. The approved applications pertained to the construction of additions, decks, garages, pools, sheds and porches on lots in residential zones. All applications were approved by the Board except for the following:
 - a. #13-06-023 Pandolfini – Request made to permit a 14' by 55' by 10' batting cage to remain on the subject property.
 - b. #10-04-022B Atogwe – Request made to permit the construction of an 18' by 20' addition and 10' by 16' deck (already constructed).

2. In regard to use variances, the Board heard a total of six (6) such cases. Out of the six (6) use variance requests that were approved, five (5) were requests for new uses. Out of the five (5) new use variance cases which were approved, only one (1) was located within a residential zone.

Of the six (6) use variance requests approved by the Board, two (2) were for a d1 variance, one (1) for a d2 variance and one (1) for a d3, one (1) for a d3 and d4 and one (1) for a d1 and d4. (See attached chart for a breakdown of use variance requests)

3. One (1) application was denied by the Zoning Board as follows:
 - a. #13-04-013 Kuser & Route 130 Associates/Homewood Suites – All aspects of this application were approved by the Board EXCEPT for the request for a “billboard” sign located on the subject property. The request for a d1 variance for this use was denied by the Board.

4. The Board also heard the following:

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- a. One (1) request for an extension of time to comply with conditions of approval (#12-01-003 Simkins/AXA Real Estate).
 - b. One (1) request for final approval of a major subdivision to create fifty-five (55) single family building lots (#10-06-028A IASC/Sharbell Building Co.).
 - c. One (1) request for final site plan approval for the purpose of constructing a 18,023 sq. ft. addition to Mercerville Shopping center (#12-02-007A ParkWin Mer SC LLC).
 - d. One (1) request for a revised final site plan approval for the purpose of permitting on-site fueling of compressed natural gas for internal truck fleet (#12-06-027 Waste Management of NJ).
 - e. One (1) request for a variance to exceed building coverage to construct a 25' by 30' addition to an existing church (#13-05-017 United Presbyterian Church).
 - f. One (1) request for a revised final site plan approval for the purpose of constructing a 9,700 sq. ft. child care center (#13-07-029 Church in Hamilton).
 - g. One (1) request for a revised preliminary site plan approval and for final site plan for Phase I for the purpose of constructing a 88,866 sq. ft. 4 story 117 room Homewood Suites (13-04-013A Kuser & Rt 130 Associates).
 - h. One (1) request for variance relief for the purpose of constructing a 50' by 60' addition to a farm building and to permit a 60' by 176' farm building to remain (#13-05-019 Evergreen Orchard Farm LLC).
5. The Board also heard two (2) requests to endorse settlement of litigation for the following:
- a. #11-02-017 GP&TL Assoc. LLC – The Board voted to enter into settlement agreement for an affordable housing project originally denied by the Board. Settlement results in the approval of 14 affordable housing units and 2 market rate single family detached housing units on the property with conditions.
 - b. #11-09-044 Eagle Group of Princeton Inc. - The Board voted to enter into settlement agreement allowing certain specified uses in a single building on the subject property subject to obtaining site plan and all other required approvals.
6. Our review of the 2013 decisions relative to cases involving additions, decks, pools, etc. on residential single-family properties finds that no change to the zone plan or Land Development Ordinance is required. Most of these applications were made necessary not by inappropriate zoning or zone standards but rather by unique hardships associated with specific parcels (shallowness, irregular shape, narrowness, placement of existing structures, etc.).

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In summation, the number of use variance applications heard in 2013 decreased substantially compared to 2012 when there were sixteen (16) such applications – however we can attribute this reduction partially to the following:

- a. The Board heard a total of eight (8) subdivision and site plan related applications (no use variances requested), which is higher than normal for any given year. These were applications that were originally heard before the Zoning Board and their subsequent applications for the same project stayed with the Board having jurisdiction (for example - those applicants that requested final subdivision or site plan approval). The original use variance tied to many of these applications were heard and approved in 2012.
- b. Approximately six (6) new applications were forwarded to the Board's agenda, however, most were carried numerous times throughout the year, testimony was started on some but formal action was never taken on any by the Board during 2013.



Robert C. Poppert, PP, AICP

RCP

W/attachments

cc: Rich Williams, PE, Director of Community Planning and Compliance, w/attach
Michael Guhanick, Land Use Coordinator, w/attach
Vanessa Krispel, Zoning Board Secretary, w/attach
Michael Balint, Zoning Board Attorney, w/attach
Zoning Board Members, w/attach

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<u>Applicant</u>	<u>Application Number</u>	<u>Zoning</u>	<u>Reason for Request</u>	<u>Decision</u>
Capital Telecom/Cello Partnership	12-09-044	RD	Install 130' monopole with 12' x 20' equipment shelter (d3 conditional use)	Approved
Kristin Seitz	13-01-006	PND	Construct a in-ground pool (d1 use not permitted in PND zone)	Approved
Kuser & 130 Associates/Homewood	13-04-013	RD	Construct an 88,866 sq. ft., 117 room 4 story hotel & pad site (d1 use not permitted and (d3 conditional use)	Approved
			Request to erect a billboard (d1 use not permitted)	<i>Denied</i>
			Permit the placement of a temporary office trailer (d1 use not permitted)	Withdrawn
Giovanni Balsamo/lccara	12-11-053	CC	Permit the construction of a 131 sq. ft. and 780 sq. ft. addition to existing restaurant (d2 expansion of a pre-existing nonconformign use)	Approved
Brias East Development LLC/ Residence Inn	13-08-040	RD	Construct a 96,609 sq. ft. 4 story 120 room extended stay hotel (d3 conditional use and d4 exceed maximum FAR)	Approved
Church in Hamilton	10-10-060A	MFG	Permit the establishment of a child care center within existing church (d1 use not permitted)	Approved