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February 26, 2021

Edwin F. Gerecht, Jr., Chair
Long Hill Township Zoning Board of Adjustment
915 Valley Road
Gillette, New Jersey 07933

RE: Application: 2020-12Z
Applicant: Sean and Kristin Conner
Variance to Exceed Maximum Number of Stories
44 Magna Drive, Gillette, New Jersey
Block 13801, Lot 69
R-2 Residence District

Dear Chairperson Gerecht and Members of the Board:

The following is a review letter of the above-referenced development application. The following documents have been reviewed:

- Application for Development for 44 Magna Drive, Gillette, NJ signed by Sean M. Conner and dated November 22, 2020.
- Map of Survey for Block 13801, Lot 69, 44 Magna Drive, prepared by Robert Templin, PE dated September 12, 2016.
- Architectural Drawings entitled “Addition to Conner Residence—44 Magna Drive, Gillette, NJ” consisting of 7 sheets, prepared by Javier Fuentes Architecture dated June 6, 2020.

Project Description

The proposed project involves the expansion of the attic area to provide a new bedroom, bathroom and reading nook. There will also be interior stair construction and renovated bedrooms and minor improvements on the existing second floor to accommodate the attic expansion. The lot shown as Block 13801 Lot 69 on the tax maps of Long Hill Township is located in the R-2 Residence zone and is otherwise known by the street address 44 Magna Drive in Gillette. The lot is currently improved with a single-family dwelling. From Magna Drive the existing home appears to be 2 stories in height. However, there are grade differences between the front and rear yards. There is a garage and walk-out basement along the side and rear of the house. According to the ordinance definition of a story, any basement with more than 50 percent of its wall exposed above grade shall be considered a full story. More than 50 percent of the basement wall is above grade resulting in a 3-story dwelling in the R-2 zone which permits a maximum of 2.5 stories. No site improvements are proposed.

Zoning Compliance

The subject property is located within the Township’s R-2 Residence zone. A zoning table indicating zone requirements and any variances required is provided in the following table.

R-2 Residence Zone

Bulk Requirements	Required/ Permitted	Existing	Proposed	Relief Needed
Min. Lot Area (sf.)	45,000	45,624	45,624	—
Min. Lot Width (ft.)	150	175	175	-
Min. Floor Area (sf.)	1,500	3,700	4,090	—
Max. Height of Building (stories/feet)	2.5/35	3/32.6*	3/32.6*	EN**
Min. Front Yard (ft.)	75	75	75	—
Min. Side Yard (ft.) of one yard	25	25.2	25.2	—
Min. Side Yard (ft.) of both yards***	52.5	±108.2	±108.2	—
Min. Rear Yard (ft.)	50	122.2	122.2	—
Max. Lot Coverage (%)	20	17.9	17.9	—
Max. Floor Area Ratio (sf)	5,737	3,700	4,090	—

EN= Existing Non-Conformity; V= Variance Required

*The Applicant indicates in the Zoning Table on Sheet 1 of the architectural plans that the building is currently 32.6 feet in height and will remain 32.6 feet in height. However, Sheet 5 of the architectural plans show that the building is currently 35 feet, 1 inch. The Applicant should clarify which number is correct. If the existing and proposed dwelling exceeds 35 feet then the Applicant will need an additional variance.

** According to the ordinance, a half-story is “any finished space under a gable, hip, gambrel, or other sloping roof, which has a ceiling height of 7 1/2 feet or more for no more than 50% of its total floor area. Any space with a ceiling height of 7 1/2 feet or more over more than 50% of its floor area shall be considered a full story.” The maximum ceiling height of the addition will be 7.0 feet so it will not result in an additional story or half-story.

**Aggregate width of side yards shall equal at least thirty (30) percent of lot width at the building line.

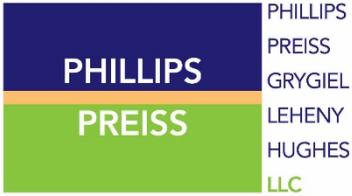
Planning Review Comments

1. There is a “c” bulk variance required for expansion of an existing non-conformity, i.e., the attic addition is to a 3-story dwelling in a zone which permits a maximum of 2.5 stories. This requires a “c” bulk variance.

For “c” bulk variances there are two forms of affirmative proof. Either the Board must find that “by reasons of exceptional narrowness, shallowness or shape of a specific piece of property...the strict application of any regulation...would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of a property.” The applicant need only demonstrate that the property’s unique characteristics inhibit “the extent” to which the property can be used.

Or, alternatively, the Board must find that one or more purposes of zoning would be advanced by the deviation and the benefits of granting the variance(s) for this specific piece of property would substantially outweigh any detriment.

In addition, the Board must be satisfied that the granting of the variance would not cause substantial detriment to the public good, i.e., on nearby properties. In other words, the Board must evaluate the impact of the proposed variance on adjacent properties. Additionally, the Board must be satisfied that granting the variance would not substantially impair the intent and purpose of the zone plan and zoning ordinance.



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2. The Applicant should make revisions to the zoning table to reflect that the existing and proposed number of stories is 3.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Elizabeth Leheny, AICP, PP

cc: Debra Coonce
Rich Keller, PE, PP, CME
Jolanta Maziarz, Esq.