



October 10, 2023

Elk Township Planning/Zoning Board
680 Whig Lane
Monroeville, NJ 08343

Attn: Ann Marie Weitzel, Board Secretary

Re: Heather Wilson
1031 Elk Road
Block 175 Lot 3
Bulk Variances – Proposed Detached Garage
RE Rural Environmental Residential District
Elk Township Application ZB-23-02
Bach Associates Proj. No. ETPB2023-5

Dear Chairwoman White and Members of the Board:

We have reviewed the application for bulk variance at the above referenced lot. The application is for a bulk variance for relief to install a 1,800 SF detached garage on a corner property that contains a two story single family dwelling, stone drive, and associated site improvements.

The property is located on the northeasterly corner of Elk Road and Haynicz Road in the RE Rural Environmental Residential zoning district. It is surrounded on all sides by properties also in the Rural Environmental Residential zoning district and the south by the Cannabis Establishment Overlay Zone. Surrounding properties are residential and agricultural in nature. The application requires a bulk variance to permit an oversized accessory structure.

We have received the following materials in support of this application:

1. Notice of Appeal (Bulk Variance Application) and attachments (received by Elk Twp August 21, 2023).
2. Plan entitled "Survey and Plan of Premises, Township of Elk, Co of Gloucester, NJ", prepared by John E. Gauntt Associates, Inc., dated 1/27/14.

Completeness

The applicant has submitted the land development checklist. **The application is incomplete.** Most of the waivers are recommended or may be provided as a condition of approval.

- **#6** Names and addresses of witnesses. ***This waiver is recommended for completeness only.***
- **#21** requires a statement as to any application requirements for which waiver is sought, together with a statement of reasons why waivers should be granted. ***The applicant has not indicated requested waivers. This waiver is recommended.***

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- **#22** requires a list of all requirements for which a waiver or variance is sought. ***This waiver is recommended for completeness only.***
- **#35** requires a table of existing and proposed zoning requirements. ***This waiver is recommended.***
- **#38** requires site photographs. ***This waiver is not recommended, photographs should be provided prior to the hearing for Board members to review.***
- **#40** requires the location, design and dimensions of each new and existing structure and wooded area. The height of the proposed garage has not been specified. ***A waiver is not recommended.***
- **#41** requires the locations of existing wells and septic tanks. ***This waiver is not recommended.***
- **#53** requires the applicant to indicate any historic structures locate within 200 feet of the property. ***This waiver is recommended.***
- **#55** requires contours at 20ft intervals. ***This waiver is recommended.***
- **#73** requires the applicant to submit an LOI from the NJDEP. ***This waiver is not recommended.***

The above items must be provided prior to the Planning Board hearing for the application or waivers granted for the application to be deemed "Complete". If a waiver is granted for completeness only, the information shall be provided as part of the compliance submission.

Zoning and Use

In accordance with Section 96-71.B(4) Rural Environmental District permits all garages as an accessory use "customarily incidental and subordinate" to the principal permitted uses. The proposed detached garage, therefore, is a permitted use.

Zone Bulk Standards and "C" Variances

The property is within the RE Rural Environmental Zoning District which permits agricultural uses, single-family dwellings, public parks and playgrounds, and accessory uses that are customarily incidental and subordinate to the primary use on site. The applicant is requesting a bulk variance to permit a 1,800 sf accessory structure where a maximum of 900 sf is permitted. The following table indicates the bulk standards for the entire lot based on the current RE standards.

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| Section | Required | Existing | Proposed | Compliance |
|--|-------------------------------|-----------|----------------------------|------------|
| 96-71D(2) Minimum Lot size | 80,000 sf | 69,173* | 69,173* | No |
| 96-71D(3) Front Yard Setback (Elk Rd) | 50 feet | 31.18* | 31.18* | No |
| 96-71D(3) Front Yard Setback (Haynicz Rd) | 50 feet | 34.84* | 34.84* | No |
| 96-71D(4) Rear Yard Setback | 40 feet | >40 | >40 | Yes |
| 96-71D.(5) Minimum Side Yard | 20 feet/ 50 feet aggregate | >20 / N/A | >20 / N/A | Yes |
| 96-71D.(6)(a) Minimum Width at Building line | 150 feet | >150 | >150 | Yes |
| 96-71D(7) Minimum Lot depth | 200 feet | 342.06 | 342.06 | Yes |
| 96-71D.(9)(a) Minimum Lot Frontage | 135 feet | 166.71 | 166.71 | Yes |
| 96-71D.(10) Maximum Building Height | 35 feet | <35 | <35 | Yes |
| 96-71D.(11)(a) Maximum Coverage | <15% | <15 | <15 | Yes |
| 96-71D(12) Impervious | <20% max | <20 | <20 | Yes |
| 96-80.A.(2) Max sf detached garage | 900 sf | N/A | 1,800** | No |
| 96-80.A.(12) Max height detached garage | 25 feet | N/A | More information needed | Unknown |

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*Indicates Existing Non-conformance

**Indicated Variance Required

Standard of Proof for “C” Variances

The applicant must provide testimony to justify the requested variances. For a C(1) variance, the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property, or the structures lawfully existing upon the property. For a C(2) variance the applicant must show that the proposed variance advances the purposes of municipal land use law and that the benefits of the deviation would substantially outweigh any detriments. The applicant should address whether the proposed variance will substantially impair the intent of the Master Plan or zoning plan and whether there are any potential impacts to the public good.

The following comments are provided for the Board's consideration:

1. **Use.** The applicant should provide the following information at the hearing.
 - a. The applicant should describe the proposed use and confirm that it is an accessory to the adjacent residential dwelling.
 - b. Provide architectural floorplans and elevations.
 - c. It shall be noted that in accordance with §96-80.A(10) that “Accessory structures shall not be used for living quarters or to conduct business unless a variance is specifically approved by the Zoning Board.”
2. **Variances.** The applicant and their professionals should be prepared to provide testimony to the Board and the Public at the hearing.
3. The following ‘C’ variances are required:
 - a. A variance from §96-80.A(2) where “each residential property ranging from 25,000 square feet to three acres may have a maximum of one detached garage or similar accessory structure not to exceed 900 square feet” and where a 1,800 sf garage is proposed.
 - b. A variance from §96-71.D(2) where the maximum lot area permitted is 80,000 square feet and the applicant has provided a lot area of 69,173 square feet. *It shall be noted that this is an existing nonconformance.*

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- c. A variance from §96-71.D(3) where the minimum front yard setback permitted is 50 feet and the applicant has provided a front yard setback of 31.18 feet from Elk Road. *It shall be noted that this is an existing nonconformance.*
 - d. A variance from §96-71.D(3) where the minimum front yard setback permitted is 50 feet and the applicant has provided a front yard setback of 34.84 feet from Haynicz Road. *It shall be noted that this is an existing nonconformance.*
4. The sketch plan should indicate the proposed driveway leading to the garage.
 5. The applicant shall confirm that the height of the proposed garage shall be no more than 25 feet.

Any and all approvals shall be conditioned upon the applicant addressing the above comments and any and all concerns of the Planning Board contained in the approving resolution.

It shall be noted that any requirements noted above as "waived for completeness only" have been waived to allow the application to be deemed complete. These requirements shall be provided as part of the revised application materials unless waived by the Board at the scheduled meeting.

We reserve the option to make additional comments as more information becomes available.

Should there be any questions or if additional information is required, please contact the undersigned at (856) 546-8611.

Very truly yours,
BACH ASSOCIATES, PC



Steven M. Bach, PE, RA, PP, CME
President



Candace Kanaplue, PP, AICP
Associate

Cc: Dale Taylor, Esq., Board Solicitor
Stan Bitgood, P.E., Board Engineer
Heather Wilson, Applicant