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**ZONING BOARD OF ADJUSTMENT
AGENDA FOR AUGUST 25, 2022, 7:00 P.M.
REGULAR MEETING VIA ZOOM WEBINAR**

CALL TO ORDER & FLAG SALUTE

NOTICE:

The Zoning Board of Adjustment reserves the right to change the order of the published agenda. All changes to the agenda will be announced at the beginning of each meeting.

It is the intent of the board (and at the discretion of the Chairman) to not begin a new application after 10:00 P.M. and to adjourn the meeting by 11:00 P.M.

It is a further policy of the Board that members of the public will be limited to five minutes when speaking on an application. When a person is representing a group of people, he or she may speak for ten minutes.

Thank you for your cooperation.

This Board is a quasi-judicial Board therefore this meeting shall be conducted in a similar manner to a judicial proceeding. Decorum appropriate to a judicial hearing must be maintained at all times and any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision.

OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is being held in compliance with the requirements of the 'Open Public Meetings Act' and has been duly noticed and published as required by law.

ROLL CALL

RESOLUTIONS

MINUTES

OLD BUSINESS

ADUCAT OUTDOOR ADVERTISING
127 Route 73
Block 228, Lot 2.02

MB Zone

Case #ZC2020-015

The applicant is requesting a one-year extension of previously granted variance approval as stated in Resolution 20-17.

NEW BUSINESS

PAUL M. & CARRIE STOHNER
11 Foxboro Court | Block 304.02, Lots 27

MDR

Case #ZC2022-008
Action Date: 11/9/2022

The Applicant has requested bulk (c) variance(s) from the following Sections:

- a. **Section 150.12(B)(1)** Where no grading, construction or alteration of a lot is permitted within 5 feet of the side or rear property line, existing fire pit paving is 4.81' from the rear and side property line, and
 - b. **Section 150.13(A)(7)(a)** Where sheds shall be permitted in only rear yards, and existing shed is located in the side yard, and
 - c. **Section 150.13(B)(2)(c)** Where the required minimum rear setback for unroofed ground-level decks and patios is 20 feet and the pool patio is 10.16' and the landscape wall is 9.79', and
- Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

The Applicant has requested the following variances and design waivers:

Use Variance Requested:

1. Section 152.102(A) permits Assisted Living Facilities marketed to senior citizens, whereas the Applicant proposes to expand services offered to include Independent Living Facilities, which is not a use within the MB District.

Bulk Variance Requested:

1. Section 152.102(A) permits a minimum side yard setback of 50 feet whereas the Applicant is proposing a setback of 43 feet from the side property line to the proposed retaining wall structure.

Design Waivers Requested:

1. Section 154.007(B)(2)(g) permits a maximum illumination of 0.2 foot-candles at the common property line with adjacent properties whereas the plan proposes a maximum of 1.5 footcandles.
2. Section 154.010(B)(10) requires every commercial and industrial use, or combination thereof, containing at least 5,000 gross square feet of floor area to provide and permanently maintain adequate space for the standing, loading, and unloading of material or merchandise. The loading area shall be so designated on the site plan and shall not be used for any other purpose. The minimum dimensions of the loading area shall not be less than 12 feet wide by 35 feet deep with a height clearance of 14 feet. One such loading area shall be required for each 20,000 gross square feet of floor area or part thereof. Accordingly, 11 loading areas are required whereas only one (1) is proposed.
3. Section 154.010 (B)(14)(a-c) requires trash enclosures to be enclosed on three sides by masonry walls and be compatible with the architectural scheme of the development, the enclosure gates shall be constructed of solid welded steel panels and landscaping consisting of six-foot-high evergreen trees shall be installed to screen the perimeter of the masonry walls whereas the plan proposes a vinyl fence and gates with no evergreen screening.
4. Section 154.015(A)(8)(b) permits a maximum of 0.9 foot-candles in parking areas and walkways for non-residential uses whereas the plan proposes a maximum of 4.4 foot-candles.
5. Section 154.015(A)(4)(a) requires the building layout be constructed in a manner to position at least 50% of the building façade along Route 73 Corridor required front yard building setback (100') whereas the building is set back 135.3'.
6. Section 154.015(A)(4)(a) requires trash receptacles and refuse areas be enclosed with solid walls that match the façade of the building or buildings it serves. Gates and doors that provide access shall compliment the color scheme of the walls. The doors shall be constructed of a solid material like metal or wood. Landscaping shall be utilized to soften the appearance of any such wall. The plan proposes a vinyl fence and gates with no evergreen screening.
7. Section 154.006(A)(8)(a)(5) requires a continuous earthen berm constructed to a minimum of six feet above the final design elevation of the adjoining proposed non-residential or the adjoining residential property, whichever is higher in elevation. The minimum berm height of six feet shall be maintained along the entire length of the buffer area unless it is determined by the Board that a discontinuation or break in the berm design can be accommodated without impacting the effectiveness of the intended screen to the adjacent residential use. There are no berms proposed along residential boundaries.
8. Section 154.006(A)(8)(a)(6) requires a continuous six-foot-high decorative solid wood or vinyl fence be provided along the top of the berm. The fencing shall also be constructed such that the decorative side of the fence faces the residential boundaries.
9. Section 154.006(A)(8)(b) requires that plantings shall generally be located on the upper elevations of the berm and planted on a continuous four-inch-deep shredded hardwood mulch bed. There is no berm proposed.

10. Section 154.006(A)(8)(b) requires that in situations where existing vegetation can be preserved within the 50-foot buffer, existing vegetation shall be supplemented with a continuous six-foot-high decorative solid wood or vinyl fence. No fence is proposed.

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE BOARD

NEXT MEETING DATE(s): September 9, September 29, October 13

ADJOURNMENT