

TOWNSHIP OF HAMILTON MEMORANDUM

TO: ZONING BOARD OF ADJUSTMENT MEMBERS
FROM: Robert C. Poppert, PP, AICP, Township Planner
DATE: January 12, 2023
RE: ZONING BOARD ANNUAL REPORT - 2022

A quantitative analysis of the Board's decision for 2022 has been completed. The following are our findings:

1. The Board heard a total of seven (7) requests for variances or waivers relating to setbacks, building coverage, height of accessory buildings and size of garage (footprint). All of these residential applications were approved by the Board except for the following:
 - #21-10-041 Joseph Venose – request made to construct a 28' by 30' garage. This application was withdrawn.
 - #21-10-039 Adam Bless – request to construct a 12' by 24' two-story addition. This application was denied without prejudice.

The approved applications pertained to the construction of single family additions, garages, fences, carports, sheds, swimming pools, patios and porches on lots in residential zones.

Other approved applications include use variances, minor subdivisions and site plans within residential and commercial zoning districts. These applications will be quantified below in this memorandum.

2. In regard to use variances, the Board heard a total of ten (10) such cases. Out of the nine (9) use variance requests that were approved, all nine (9) were requests for new uses. Out of the nine (9) new use variance cases which were approved, one (1) was located within a residential zone (#21-06-023 3332 Hamilton Real Estate Inc.).

Of the nine (9) use variance applications that were approved, seven (7) also included an application for preliminary and final site plan approval. These included the following:

- a. #21-11-042 Meadowbrook Realty LLC
- b. #21-06-028 Mercerville Equities LLC/Chipotle
- c. #21-12-051 JDN Real Estate/Chick Fil A
- d. #22-05-010 Highglen Clover Square/Checkers
- e. #22-04-008 Manchester 270 Development Inc.
- f. #22-10-025 Brady Hamilton Sq.

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g. #22-04-008 Interstate Outdoor Advertising

One (1) application remains to be heard and was carried to 2023 - #19-12-048 Uncle Pete's Farm.

See attached chart for a breakdown of use variance requests.

3. One (1) application - #21-11-042 Mercerville Equities/Chipotle was denied for a use variance and site plan on March 8, 2022 (this application was not included within the decisions made in #2 previous). The applicant re-applied back to the Zoning Board to request a reconsideration of a denial to the prior application on May 10, 2022. After additional testimony was provided by the applicant and their attorney the Board chose to approve the application.
4. It should be noted that throughout 2022, the Zoning Board scheduled twenty-one (21) regular hearings – thirteen (13) were in person meetings, two (2) were on the “zoom” platform and six (6) were canceled. The six (6) canceled meetings dates were January 11th, April 26th, June 28th, July 12th, September 27th, October 11th and November 9th.
5. Our review of the 2022 decisions relative to cases involving residential 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, corner lots, etc.).
6. In summation, the number of use variance applications heard in 2022 decreased by four (4) as compared to 2021 when there were fourteen (14) such applications.



RCP

W/attachments

cc: Fred Dumont, Director of Community and Economic Development, w/attach
Michael Guhanick, Land Use Coordinator, w/attach
Sabrina Bowling, Zoning Board Secretary, w/attach
Zoning Board members, w/attach
Zoning Board attorney, w/attach

