

**RESOLUTION
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF MEDFORD
COUNTY OF BURLINGTON, STATE OF NEW JERSEY
GRANTING BULK VARIANCE APPROVAL
TO JAMES BLAIR MURDOCK
FOR PROPERTY KNOWN AND DESIGNATED AS
BLOCK 4706 LOT 4
AKA 650 TABERNACLE ROAD
MEDFORD, NEW JERSEY**

ZVE-1058

WHEREAS, The Zoning Board of the Township of Medford, County of Burlington, State of New Jersey (hereinafter referred to as the "Zoning Board") has received an application for bulk variance approval for the property owners of Block 4706, Lot 4, AKA 650 Tabernacle Road, Medford, New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, the Owner/Applicant of the property is James Blair Murdock and,

WHEREAS, the property is in the RGD-1 Zone; and

WHEREAS, it appearing that the Applicant provided appropriate notification in accordance with the Township Land Use Ordinance for a public hearing to be held on May 20, 2020; and

WHEREAS, all real estate property taxes and required fees have been paid in full to date.

WHEREAS, the Owner/Applicant is represented by Patrick F. McAndrew, Esquire; and

WHEREAS, in conjunction with the application, the Applicant has submitted and the Zoning Board has reviewed the following documents which have been entered into evidence:

- A-1 Land Development Application Rec'd October 22, 2018;
- A-2 Building and lot Coverage Worksheet, rec'd October 22, 2019;
- A-3 Tax Map;
- A-4 Taylor Design Group Letter (3 pages) dated November 25, 2019;

- A-5 Plans labeled James Murdock, Medford, NJ 08055;
- A-6 Deed and Easement, Book 3161 Pages 270-272;
- A-7 Deed of Easement, Book 3161 Pages 273-274;
- A-8 Indenture Agreement, Book 3161 Pages 266-268;
- A-9 Photo of Property.
- A-10 Photo of House.
- A-11 Photo of first proposed garage
- A-12 Picture of Butternut siding color;
- A-13 Picture of Shakeswood shingle color
- A-14 Picture of Siding.
- A-15 Picture of shed.

WHEREAS, at a public hearing held on May 20, 2020 the Zoning Board Received uncontroverted factual testimony as follows:

1. Patrick McAndrew, Esquire, in his capacity as attorney for Applicant represented that the applicant is seeking approval of their amended application to construct a fully conforming garage that requires a sole bulk variance for placement in the front yard.
2. The Applicant James Blair Murdock testified that he is the owner of 650 Tabernacle Road.
3. The Applicant testified that the application was amended to construct a 1,080 square foot detached garage that is fully compliant with all applicable codes and regulations.
4. The Applicant testified he desired to store three (3) cars and equipment in his garage, because the Applicant's home has no attic or garage.

5. The Applicant testified the now proposed 1,080 square foot garage would adhere to the 20% impervious coverage requirement.
6. The Applicant testified that the proposed construction is consistent with the neighborhood.
7. The Applicant testified that the benefits of the proposed variance substantially outweigh any determinant.
8. The Applicant further testified that the variance will not substantially impair the intent and purpose of the Township of Medford's Zoning Plan and Zoning Ordinance.
9. The Applicant testified that the layout of the proposed garage is designed to be aesthetically pleasing.
10. The Applicant testified that the garage will be not be constructed out of metal, and that he would construct the garage using a butternut squash colored siding and shakewood shingles to match the home and be aesthetically pleasing.
11. The Applicant testified that the proposed construction will not adversely impact his neighbors.
12. The Applicant testified that he will plant trees to compliment the surrounding vegetation and add to the aesthetics of the property.
13. The Applicant testified that the garage will be set back over fifty (50) feet from all property lines.
14. The Applicant testified that the garage will have white trim around the windows.
15. The Applicant testified that the garage will utilize 8x8 garage doors.
16. The Applicant testified that the garage door will match the butternut siding.

17. The Applicant testified he would use a single warm LED downward facing floodlight as lighting. Said light would be directed at a 45 degree angle downwards or greater to avoid disturbing neighbors.
18. Public Comment was permitted on this matter but no one from the public appeared.
19. After consulting with members of the Zoning Board, and the Applicant, it was agreed that a Bulk Variance, pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) should be granted, inasmuch as sufficient proofs have been presented to the Zoning Board.

NOW, THEREFORE, BE IT RESOLVED this 20th day of May 2020, by the Zoning Board of Adjustment of the Township of Medford, County of Burlington, State of New Jersey, that the aforementioned Bulk variance application submitted in accordance with the provision of N.J.S.A. 40:55D-70(c)(2) is hereby granted.

In so approving the aforementioned application, the Zoning Board has made the following findings of fact:

1. The Applicant is the owner of the property and therefore has a proprietary interest in the application.
2. All required fees and real estate property taxes have been paid in full to date.
3. The Applicant has complied with all notification requirements of the Township Land Use Ordinance.
4. The application is therefore a “complete” application as defined by the New Jersey Municipal Land Use Law. In addition, the Zoning Board formally takes jurisdiction of this application.

5. The application has provided uncontroverted factual testimony to legitimate the findings of the Zoning Board that granting Bulk Variance relief will:
 - a. Effect a single specific piece of property;
 - b. Advance the purposes of the MLUL;
 - c. That the benefits of the proposed variance substantially outweigh any detriments;
 - d. There is no substantial detriment to the public good; and
 - e. The variance will not substantially impair the intent of the Township of Medford's Zoning Plan and Zoning Ordinance.
6. The Applicant has provided sufficient testimony and proofs to grant the aforementioned bulk variance in accordance with the statutory regulations set forth hereinabove.
7. The approval of this application is conditioned on the Applicant placing his shed in a compliant location, specifically five or more feet off the property line. Failure to comply will void this approval in its entirety.

BE IT FURTHER RESOLVED that the Chairwoman and Secretary are authorized and designated to execute this Resolution, as well as any and all other documents in order to implement the intent of this Resolution.

BE IT FURTHER RESOLVED that this approval is based upon the documents and representations and testimony at the hearing. In addition, the Applicant will reimburse the Zoning Board within thirty (30) days of receipt of any and all invoices for professional fees expended by the Zoning Board in conjunction with this application.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Applicant and the Construction Department by the Zoning Board Secretary.

BE IT FURTHER RESOLVED that notification of this Resolution be published in an official newspaper of Medford Township by the Zoning Board Secretary within ten (10) days of its passage.

The foregoing Motion to approve this resolution was made by Mr. Cocivera, seconded by Mr. Richards.

AYES: Ms. Symons, Ms. Cocivera, Mr. Hamilton, Mr. Pullman, Mr. Wolf, Mr. Richards, Mr. Umba, and Mr. Simmers.

NAYES: none.

CERTIFICATION

I certify the forgoing resolution was duly adopted by the Zoning Board of Adjustment of the Township of Medford at their meeting held on May 20, 2020 and thereafter memorialized by vote of the Zoning Board of Adjustment on June ____, 2020 a quorum being present and voting in the majority.

BETH PORTOCALIS, Secretary
Medford Township Zoning Board of Adjustment