

WEST WINDSOR ZONING BOARD OF ADJUSTMENT
SITE INSPECTION COMMITTEE REPORT

Application: ZB19-05
Action Requested: "c" Bulk Variance (setback)
Property Address: 16 Fairview Avenue
Owner: Michael McMaster
Block: 42
Lot: 9
Property Zoned: R-20 District
MLUL: 09/30/20

Inspectors: John Church, Henry Jacobsohn, Daniel Marks
Date Inspected: June 16, 2020

The owner wishes to construct a custom-built 14' x 20' (280 square foot) storage facility towards the rear of his property, which comprises 8,510 square feet and has a 50-foot frontage. The facility would have an attic accessed by an interior stairway. As shown in the drawing, its peak height would be slightly over 17 feet above grade. No electric service is proposed.

The minimum lot size in this district is 20,000 square feet and the minimum frontage is 100 feet as per the 2008 zoning ordinance. This lot is therefore nonconforming. However, according to the survey provided, these lot dimensions go back to a March 1927 map of what was then called Princeton Manor. The lot is therefore "grandfathered."

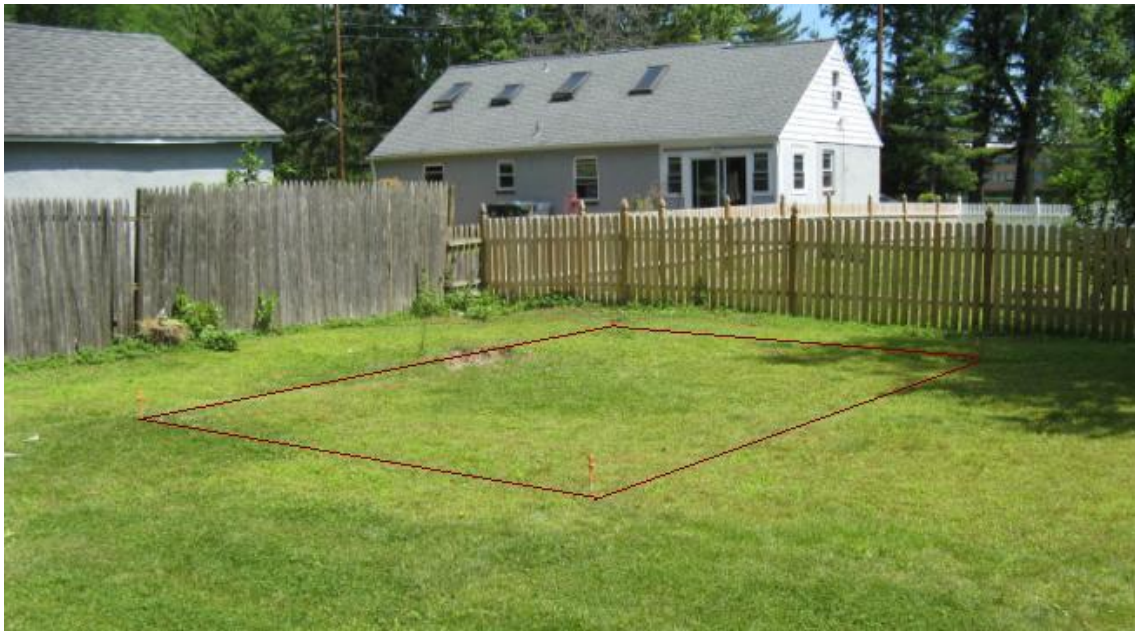
As shown on the survey, the proposed facility would be 7 feet from the shared side fence along the northeast edge of the property. Section 200-226(D) of the West Windsor Code Book says that storage sheds "may be located within 10 feet of the required side and rear yards". This is interpreted as meaning that such sheds cannot be located closer than 10 feet to either the side or rear property lines. Assuming that "shed" is the correct classification of the facility, there is a need for a 3-foot "c" setback variance.

However, sheds are not specifically defined in our Code Book. The proposed facility would have a ground floor with two separate entrances, plus an approximately 7-foot high attic. There would be windows on either end of the attic. It therefore might be more appropriate to consider this as a "structure" as defined in the Code Book. In this R-20 district, a "structure" would have to be set back at least 15 feet from the side property line and 30 feet from the rear property line, unless setback variances were granted. Unless a waiver were also granted, it would have to have its own driveway, which would not be feasible on this 50-foot-wide lot.

There is an existing single-story shed of about 85 square feet located as shown on the survey, which the owner plans to retain. This shed is roughly 2 feet from the rear property line, which is therefore also nonconforming in present terms. The owner purchased the property in 2016 and did not know when this shed was constructed.

The maximum improvement coverage allowed in this district is 20%, which equals 1,702 square feet for this property. As nearly as we can determine from the survey, the total proposed improvement coverage would be in the neighborhood of 1,560 square feet, which is conforming.

Photos of the existing shed and the site of the proposed facility are shown below.



Site of Proposed Facility

We recommend that this application be scheduled for the July 23, 2020 meeting of the Zoning Board of Adjustment.

Respectfully submitted,

John Church
Henry Jacobsohn
Daniel Marks

Appendix – Sheds

Future guidance on shed definitions and regulations in West Windsor could be provided by codes of other New Jersey towns. Here are two examples found on the Internet. They are given here as general information only.

The Brick Township Code Book, Section 245-30, regulates sheds as follows.

“Storage sheds in single-family residential zones shall not exceed 12 feet in height. Sheds having an overall floor area of up to 100 square feet shall be located no closer to the side and rear property lines than a distance equal to 1/2 the height of the structure. Storage sheds having a floor area greater than 100 square feet shall be erected in conformity with the side and rear yard depth requirements for accessory buildings in the respective zone.”

Cherry Hill Township defines a shed as follows:

“SHED: A small structure, either freestanding or attached to a larger structure, serving for storage or shelter.” (“Small” is not further defined.)

We suggest that the West Windsor Town Council specifically define sheds and codify their regulations. This would provide better guidance for both the Zoning Officer and the Board. We propose to include such a recommendation in our 2020 year-end report.

We also note that the Zoning Board does have the power, upon application, to interpret zoning ordinances and decide special questions related to them (MLUL, NJSA 40:55D-70(b)).