

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF HADDONFIELD

APPLICATION/RESOLUTION NUMBER: ZBA #2021-36
PROPERTY ADDRESS: 175 Tavistock Lane [B 64.17 L3]
NAME OF OWNER/APPLICANT: Cheri Bon Vardo
DATE OF HEARING: September 21, 2021
APPEARANCES: Cheri Bon Vardo, Owner/Applicant
Damien Del Duca, Esq. Attorney for Applicant
Thomas Wagner, AIA, Architect for Applicant
Clifton Quay, PE, Engineer for Applicant
Tavis Karrow, Board Secretary
Donald Ryan, Esq. Substitute Board Solicitor
Melanie Adamson, Board Engineer

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson
Wayne Partenheimer, Vice-Chairperson
Brian Mulholland
Steve Sweet
Brittany Bonetti
William Shanahan
Lindsey Watson-McCarthy, Alternate

Kas Godoseepour- Alternate

Matthew Mazza- Alternate

PROPERTY DESCRIPTION

ZONING DISTRICT: R2
LOT AREA: 14,926 sf
STREET FRONTAGE: +/- 120'
STRUCTURES ON LOT: Two story single-family residence

DEVELOPMENT PROPOSAL

The proposal is to construct an attached garage adjacent to the existing home.

RELIEF/VARIANCE REQUESTED

1. Section 135-27(D)(4)(a) – Maximum building coverage – 15% permitted, 11.8% existing, 17.4% proposed;
2. Section 135-27(D)(4)(b) – Maximum impervious coverage – 25% permitted, 28.8% existing, 27.7% proposed;
3. Section 135-27(D)(2)(c) – Aggregate side yard setback – 40 feet required; 72.74 feet existing, 38.26 feet proposed;
4. Section 135-27(E)(5)(a) – Garage door setback from main façade –5 feet required; no garage existing, 2 ft. proposed.

SUBMISSIONS

- . An original and eighteen (18) copies of the variance application, including an application summary;
- . Two (2) full size copies of a Minor Site Plan prepared by Stantec, dated August 16, 2021 (5 sheets);
- . Eighteen (18) half size copies of a Minor Site Plan prepared by Stantec, dated August 16, 2021 (5 sheets);
- . Twenty (20) copies of a Partial First Floor Plan with Garage First Floor Plan and Front Elevation prepared by Thomas B. Wagner, Architect., dated June 9, 2021;
- . Twenty (20) copies of a Garage Second Floor Plan, Rear and Side Elevations prepared by Thomas B. Wagner, Architect., dated June 9, 2021;
- . Twenty (20) copies of a Survey, prepared by Walter H. MacNamara Associates, Inc., dated November 7, 2019;
- . Twenty (20) sets of eight (8) color photographs of the property;

SUMMARY OF TESTIMONY AND EVIDENCE

The Applicant is looking to construct an attached garage. Mr. Del Duca presented the application to the Board. Mr. Del Duca explained that the Applicant needs four variances to do so. Although the Applicant is looking for a variance from the impervious coverage maximum allowed, she will be reducing the impervious coverage from 28.8% to 27.7%. Clif Quay thought building coverage variance is justified from a C-1 standpoint because of the undersized lot. They are converting a substantial amount of driveway into an enclosed garage. Roof runoff is clean run off as opposed to run off from an area where you park cars. Reducing impervious coverage is a good thing. As for the aggregate side yard setback variance, Mr. Quay testified that he thought this was de minimus and the preservation of the decorative gate is aesthetically pleasing. As for the garage door setback variance, Mr. Wagner believes keeping it in line with the house is the right way to design it. Mr. Del Duca stated (and Mr. Quay concurred) that the proposed plan is a better plan than one what would comply.

No member of the public spoke.

FINDING OF FACT AND CONCLUSIONS

1. The Board has jurisdiction over the subject matter requiring a decision.
2. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
3. The property is in the R-2 zone.
4. To obtain a c(1) variance, the Applicant has to show a hardship specific to the Property.
5. To obtain a c(2) variance, the Applicant has to show that the variance is for a specific property.
6. The variances can be granted under both NJSA 40:55D-70c(1) and c(2).
7. The Applicant has provided testimony as to the proposed use of this specific property.
8. Strict application of the zoning ordinance requirements would result in an undue hardship on the Applicant.
9. The Board was particularly compelled by the C1 argument given the undersized dimension and shape of the lot.
10. The application advances the purposes of the MLUL in that it promotes the general welfare of the population by reducing impervious coverage.
11. The granting of the variances does not represent any detriment to the zone plan or ordinance as it will enhance the property and provide a visual benefit.
12. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
13. Due notice has been given in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and the rules of the Haddonfield Board of Adjustment.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Borough of Haddonfield, that the application for a variance be and is hereby granted, pursuant to N.J.S.A. 40:55D-70(c).

CONDITIONS OF APPROVAL

1. The development approved by this resolution must comply with the plans and specifications submitted with this application.
2. Applicant must comply with all other applicable ordinances and codes including but not limited to Shade Tree Ordinance, building codes, fire codes and all water management requirements.

Motion By: Burns, seconded by Sweet

Board members voting to grant the requested variances: Burns, Bonetti, Partenheimer, Mulholland, Sweet, Shanahan, Watson-McCarthy.

Board members voting to deny the requested variances: None

AND, BE IT FURTHER RESOLVED that a copy of this Resolution be maintained on file by the Construction Office of the Borough of Haddonfield available upon request and that a brief notice of this decision shall be published in the official newspaper of the Borough of Haddonfield by the Applicant.

CERTIFICATION

I hereby certify that the foregoing is a true, accurate and complete copy of the resolution of memorialization adopted by the Zoning Board of Adjustment of the Borough of Haddonfield at its regular monthly meeting on October 19, 2021, memorializing action taken by the Zoning Board on September 21, 2021.

Dated: _____

TAVIS KARROW, Secretary