

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

APPLICATION/RESOLUTION NUMBER: ZBA #2021-27  
PROPERTY ADDRESS: 351 Farwood Road [B 10.12 L 9]  
NAME OF APPLICANT/OWNER: John and Kelsey Oh  
DATE OF HEARING: August 17, 2021  
APPEARANCES: John Oh, Owner/Applicant  
William Curren, Owner of Haddonfield Ventures  
Tavis Karrow, Board Secretary  
Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Bryan Pukenas  
Brian Mulholland  
Steve Sweet (recused)  
Brittany Bonetti

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R6  
LOT DIMENSIONS: 72' x 124' (irregular)  
LOT AREA: 8370 sf  
STRUCTURES ON LOT: Two story single-family residence

## **DEVELOPMENT PROPOSAL**

The proposal is to construct a 10' x 20' deck off the rear of the house.

## **RELIEF/VARIANCE REQUESTED**

Section 135-31D(2)(d): to permit a rear yard setback of 31' where 40' is required.

## **SUBMISSIONS**

Application

Photos of house

Final As-Built Survey, prepared by David J. Von Steenburg, PLS, dated 2-12-2021

## **SUMMARY OF TESTIMONY AND EVIDENCE**

The applicant and his contractor, William Curren, presented the application to the Board. The Applicant proposes to construct a 10' x 20' deck on the rear of his home. The Applicant seeks a variance from the rear yard setback requirement. Applicant believes the proposed deck would benefit the neighbors as opposed to the alternative location that would not require a variance which would be closer in proximity to the neighbors.

The lot is also an irregular shape and the home sits oddly on it.

Therefore, the Applicant feels the variance is justified under a C1 and a C2 argument.

No members of the public spoke.

## **FINDING OF FACT AND CONCLUSIONS**

1. The property is in the R-6 zone.
2. The Board has jurisdiction over the subject matter requiring a decision.
3. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
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 relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
10. The application advances the purposes of the MLUL in that it promotes the general welfare of the population and encourages outdoor gathering spaces.
11. The Board was particularly compelled by the C1 argument given the shape of the lot and the location of the house on it.
12. 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.
13. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
14. 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: Mulholland, seconded by Burns

Board members voting to grant the requested variances: Burns, Partenheimer, Bonetti, Mulholland, Pukenas

Board members voting to deny the requested variances: None

Board members who recused themselves: Sweet

**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 September 21, 2021, memorializing action taken by the Zoning Board on August 17, 2021.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**TAVIS KARROW, Secretary**

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

APPLICATION/RESOLUTION NUMBER: ZBA #2021-28  
PROPERTY ADDRESS: 343 Bellevue Ave [B 81.05 L 3]  
NAME OF APPLICANT/OWNER: Peter and Jen Asselin  
DATE OF HEARING: August 17, 2021  
APPEARANCES: Pete and Jen Asselin, Owner/Applicant  
Thomas Wagner, Architect  
Tavis Karrow, Board Secretary  
Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Bryan Pukenas  
Brian Mulholland  
Steve Sweet  
Brittany Bonetti

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R4  
LOT DIMENSIONS: 70' x 156.67'  
LOT AREA: 10960 sf  
STREET FRONTAGE: 70'  
STRUCTURES ON LOT: Two story single-family residence with attached garage

**DEVELOPMENT PROPOSAL**

The Applicant would like to add a family room off the back of their house, with an open Pergola to the side and a new front portico that is consistent with the character and

feel of the neighborhood. Additionally, the current house includes a one car garage that has, in the past, been reduced too shallow to support a vehicle and is used for storage. The applicant would like to add 25sf to this garage and create a mudroom. Therefore a variance from the parking requirement is also needed.

### **RELIEF/VARIANCE REQUESTED**

Section 135-29D(2)(b): to permit a side yard setback of 8.8' which is existing and will remain where 15' is required.

Section 135-29D(2)(c): to permit a side yard combined setback of 28.4' where 35' is required.

Section 135-29D(4)(a): to permit building coverage of 20.8% where 20% is the maximum allowed.

Section 135-86B(4): to permit zero off-street parking spaces where 2 are required.

### **SUBMISSIONS**

Application

Photographs of the property

Survey, prepared by irving design group, llc, dated 5-20-2021

Proposed plans of residence, prepared by Thomas B. Wagner, undated

### **SUMMARY OF TESTIMONY AND EVIDENCE**

Thomas Wagner presented the application to the Board. Mr. Wagner explained that although four variances may seem like a lot, once he went through them, the Board would understand that they are quite minor. The Applicant would like to add a family room off the back of their house, with an open Pergola to the side and a new front portico that is consistent with the character and feel of the neighborhood.

Additionally, the current house includes a one car garage that has, in the past, been reduced too shallow to support a vehicle and is used for storage. The Applicant would like to use 25sf of the living space that was previously taken from the garage to create a mudroom. Therefore, a variance from the parking requirement is also needed. The garage would remain the same size if the variance was granted. Mr. Wagner also

explained that the building coverage would increase slightly from 12% to 20.8% where 20% is the allowable maximum.

No members of the public spoke.

### **FINDING OF FACT AND CONCLUSIONS**

1. The property is in the R-4 zone.
2. The Board has jurisdiction over the subject matter requiring a decision.
3. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
4. To obtain a (c)2 variance, the Applicant has a burden to show that an application relating to a specific property would advance the purposes of the zoning ordinance by a deviation from the ordinance requirements and that the benefits of the deviation would substantially outweigh any detriment. In other words, the Applicant has to show that (1) the variance pertains to the specific property; (2) that a variance would advance the purposes of the MLUL and the ordinance; (3) the variance does not cause “substantial detriment to the public good”; (4) its benefits substantially outweigh any detriments from the deviation; and (5) the variance does “not substantially impair the intent and purpose of” the Zoning Plan and Zoning Ordinance.
5. The Applicant has provided testimony as to the existing/proposed use of the building on this specific property.
6. The variances can be granted under NJSA 40:55D-70c(2).
7. The requested variance, while increasing building coverage slightly, does not change the impervious coverage of the Property.
8. Additionally, the width of the property is narrower at 70’ than the required 80’ which accounts for the two side yard setback variances.
9. The Board discussed whether a pergola should be included in the dimensions of the structure. It determined that it should be included.
10. The lack of parking in the garage is an existing non-conformity and will not change with the renovations taking place.

11. The application advances the purposes of the MLUL in that it encourages the municipal action in the development of lands in a manner which will promote the general welfare.
12. The granting of the variances does not represent any detriment to the zone plan or ordinance.
13. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
14. 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 addition of the pergola which reduces the side yard setback of the house must always remain a pergola. It may not be enclosed, walled, roofed, sided or weatherized without prior approval from this Board.
2. The development approved by this resolution must comply with the plans and specifications submitted with this application.
3. 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, Partenheimer, Bonetti, Mulholland, Sweet, Pukenas



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 September 21, 2021, memorializing action taken by the Zoning Board on August 17, 2021.

Dated: \_\_\_\_\_

\_\_\_\_\_

**TAVIS KARROW, Secretary**

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

APPLICATION/RESOLUTION NUMBER: ZBA #2021-29

PROPERTY ADDRESS: 213 E. Cottage [B 51 L 4.06]

NAME OF OWNER/APPLICANT: John and Lisa Bradley

DATE OF HEARING: August 17, 2021

APPEARANCES:

- John Bradley, Owner/Applicant
- Kristopher Berr, Attorney for Applicant
- Richard Clemson, PE, Applicant's Engineer
- Steve Chepurny, Applicant's Landscape Architect
- Tavis Karrow, Board Secretary
- Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson

Wayne Partenheimer, Vice-Chairperson

Bryan Pukenas

Brian Mulholland

Steve Sweet

Brittany Bonetti

## **PROPERTY DESCRIPTION**

ZONING DISTRICT: R7  
LOT DIMENSIONS: 50' x 105.38'  
LOT AREA: 5246 sf  
STREET FRONTAGE: 50'  
STRUCTURES ON LOT: Two story single-family residence with attached garage

## **DEVELOPMENT PROPOSAL**

The proposal is to construct a deck with steps in the rear of the existing home.

## **RELIEF/VARIANCE REQUESTED**

1. Section 135-32(D)(4)(b) – Maximum impervious coverage – 40% permitted, 36.7% existing, 42.28% proposed;
2. Section 135-32(D)(4)(a) – Maximum building coverage – 25% permitted, 14% existing, 19.6% proposed;
3. Section 135-32(D)(2)(d) – Minimum rear yard setback – 35 feet required; 39.5 feet existing, 23.9 feet proposed (from deck steps to rear lot line)

## **SUBMISSIONS**

- Application
- Zoning Schedule plan prepared by Beechwood Landscape Architecture and Construction, LLC, dated July 7, 2021, last revised July 13, 2021 (1 sheet);
- Stormwater Management Calculations report prepared by James Sassano Associates, Inc., dated June 21, 2021;
- Post Development Drainage Area Plan prepared by James Sassano Associates, Inc., dated June 21, 2021, no revision date (1 sheet);
- Survey, prepared by James Sassano Associates, Inc., dated December 14, 2018, last revised May 6, 2019;
- Color photographs of the property;

## **SUMMARY OF TESTIMONY AND EVIDENCE**

The applicant's attorney Kris Berr presented the application to the Board. The Applicant proposes to add a deck with stairs to the rear of the existing dwelling, and

to remove an existing 16 square foot concrete pad off of the basement door. The rear has a significant slope. Because of this, if you were to walk out of the rear of the first level, you would be elevated off the ground. There is currently a French door off the first floor level of the house that leads to nothing, and the only egress to the rear of the property is through the basement. As proposed in the Applicant's application, the proposed deck would be constructed off the first floor level of the home and is approximately 192 square feet. The deck would have steps down to the back yard totaling approximately 100 square feet, leading to a 16 sf paver landing at the base of the steps. As proposed, the removal of the existing concrete pad and addition of the deck would increase impervious coverage to 40.1%, and the addition of the proposed steps and landing would increase impervious coverage to 42.28%. During the hearing, the Applicant agreed to amend the application to reduce the dimensions of the proposed deck such that the deck, exclusive of the steps and landing, would increase impervious coverage to no more than 40%, along with the additional impervious coverage added by the steps and landing.

No members of the public spoke.

### **FINDING OF FACT AND CONCLUSIONS**

1. The property is in the R-7 zone.
2. The Board has jurisdiction over the subject matter requiring a decision.
3. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
4. To obtain a (c)2 variance, the Applicant has a burden to show that an application relating to a specific property would advance the purposes of the zoning ordinance by a deviation from the ordinance requirements and that the benefits of the deviation would substantially outweigh any detriment. In other words, the Applicant has to show that (1) the variance pertains to the specific property; (2) that a variance would advance the purposes of the MLUL and the ordinance; (3) the variance does not cause "substantial detriment to the public good"; (4) its benefits substantially outweigh any detriments from the deviation; and (5) the

variance does “not substantially impair the intent and purpose of” the Zoning Plan and Zoning Ordinance.

5. The Applicant has provided testimony as to the existing/proposed use of the building on this specific property.
6. The Applicant’s engineer testified as to the stormwater retention basin and the percentage of runoff it would handle. He stated that it would retain enough water to equal the runoff as if there was only 24.6% impervious on the property.
7. The Applicant’s landscape architect testified that the dimensions of the deck as proposed would increase impervious coverage to 40.1%, and that the addition of the proposed steps and landing would increase impervious coverage to 42.28%.
8. The Board members discussed that the area of the deck was larger than necessary.
9. The Applicant agreed to reduce the size of the deck to a size that would make impervious coverage no more than 40%, with the understanding that the stairs and landing would remain approximately as proposed in the application, bringing the impervious coverage percentage to no more than 42.2%
10. The variances can be granted under NJSA 40:55D-70c(2).
11. The application advances the purposes of the MLUL in that it encourages the municipal action in the development of lands in a manner which will promote the general welfare.
12. The granting of the variances does not represent any detriment to the zone plan or ordinance.
13. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
14. 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 plans for the deck be revised so that the deck portion of the addition only increases impervious coverage to a maximum of 40%.
2. The development approved by this resolution must comply with the plans and specifications submitted with this application, as amended per the condition of approval noted above.
3. 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 Parteneheimer

Board members voting to grant the requested variances: Burns, Parteneheimer, Bonetti, Mulholland, Sweet, Pukenas

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 September 21, 2021, memorializing action taken by the Zoning Board on August 17, 2021.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**TAVIS KARROW, Secretary**

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

APPLICATION/RESOLUTION NUMBER: ZBA #2021-31

PROPERTY ADDRESS: 24 Pennbrook Dr [B 64.23 L22]

NAME OF OWNER/APPLICANT: Dominic and Anastasia Fahey

DATE OF HEARING: August 17, 2021

APPEARANCES: Dominic Fahey, Owner/Applicant  
Thomas B. Wagner, AIA  
Tavis Karrow, Board Secretary  
Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Bryan Pukenas  
Brian Mulholland  
Steve Sweet  
Brittany Bonetti

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R4

LOT AREA: 18285 sf

STREET FRONTAGE: 78.84'

STRUCTURES ON LOT: Single story single-family residence with attached garage

## **DEVELOPMENT PROPOSAL**

The proposal is to expand the home for their own use. This will include taking the house down to the first floor deck, rebuilding the first floor and adding a second floor over a portion of the house. The existing footprint and foundation will remain.

## **RELIEF/VARIANCE REQUESTED**

Section 135-29(D)(2)(a): to permit a front yard setback of 33.9' where 35' is required.

Section 135-29(D)(2)(b): to permit a side yard setback of 5.6' which is existing and will remain where 15' is required.

Section 135-29(D)(2)(d): to permit a rear yard setback of 41.6' where 45' is required.

## **SUBMISSIONS**

Application

Photographs

Site Plan, prepared by irving design group llc, dated 7-18-2021

Plans, prepared by Thom Wagner, dated 7-2-2021

## **SUMMARY OF TESTIMONY AND EVIDENCE**

Thomas Wagner, the Applicant's architect, presented the application to the Board. The Applicant proposes to demolish the entire home down to the first floor deck, rebuild the first floor with 9' walls/ceilings and add a second floor over a portion of the house. The finished house will have five bedrooms, five bathrooms, a two car garage and an open kitchen family room with an outdoor covered space. The Applicant would like to use the existing foundation and footprint of the house.

Applicant's bother-in-law, Kyle McGrann, of 15 Oak Ridge Drive, spoke in support of the application.

## **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. To obtain a c(1) variance, the Applicant has to show a hardship specific to the Property.
4. The variances can be granted under NJSA 40:55D-70c(1).
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. Strict application of the zoning ordinance requirements would result in an undue hardship on the Applicant.
7. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
8. The application advances the purposes of the MLUL in that it promotes the general welfare of the population and encourages outdoor gathering spaces.
9. The Board was particularly compelled by the C1 argument given the shape of the lot, the topography of the lot and the location of the house on it.
10. Brian Mulholland spoke in support of the application, stating that the rear yard setback variance is not a big deal and the Applicant is improving the front yard setback.
11. The members also mentioned that, not only is it a an irregularly shaped lot, it is located on the bend of Pennbrook Drive.
12. The application advances the purposes of the MLUL in that it encourages the municipal action in the development of lands in a manner which will promote the general welfare.
13. The granting of the variances does not represent any detriment to the zone plan or ordinance.
14. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
15. 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: Bonetti, seconded by Sweet

Board members voting to grant the requested variances: Burns, Partenheimer, Bonetti, Mulholland, Sweet, Pukenas

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 September 21, 2021, memorializing action taken by the Zoning Board on August 17, 2021.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**TAVIS KARROW, Secretary**

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

APPLICATION/RESOLUTION NUMBER:       ZBA #2021-32

PROPERTY ADDRESS:                        22 Treaty Elms Lane [B 64.07 L 8]

NAME OF APPLICANT:                      Nicholas Andrew Schultz

OWNER OF PROPERTY:                     Nicholas Andrew Schultz

DATE OF HEARING:                        August 17, 2021

APPEARANCES:                            Nick Schultz, Owner/Applicant

  Tavis Karrow, Board Secretary

  Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson

Wayne Partenheimer, Vice-Chairperson

Bryan Pukenas

Brian Mulholland

Steve Sweet

Brittany Bonetti

**PROPERTY DESCRIPTION**

ZONING DISTRICT:                        R5

LOT DIMENSIONS:                        100' x 125'

LOT AREA:                                 12500 sf

STREET FRONTAGE: 100'

STRUCTURES ON LOT: Two story single-family residence with attached garage

### **DEVELOPMENT PROPOSAL**

The proposal is to replace the existing paver patio in the rear yard which is beyond the required rear yard setback requirement.

### **RELIEF/VARIANCE REQUESTED**

Section 135-30D(2)(d): to permit a rear yard setback of 37' which is existing and will remain where 40' is required.

### **SUBMISSIONS**

Application

Survey, prepared by James T. Sapio, PLS, dated 2-14-2014

### **SUMMARY OF TESTIMONY AND EVIDENCE**

The applicant presented the application to the Board. The Applicant proposes to replace the existing patio that extends off the back of his house. There will be no walls on the side except for the house-side. The Applicant seeks a variance from the rear yard setback requirement. This Applicant was before the Board in March, 2021 to request a variance to construct a roof over the existing patio. That variance was granted. Subsequently the Applicant decided he wanted to replace the existing pavers with similar stone but in a different color. This application is for a rear yard setback for the new patio pavers.

No members of the public spoke.

### **FINDING OF FACT AND CONCLUSIONS**

1. The property is in the R-5 zone.
2. The Board has jurisdiction over the subject matter requiring a decision.

3. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
4. To obtain a (c)2 variance, the Applicant has a burden to show that an application relating to a specific property would advance the purposes of the zoning ordinance by a deviation from the ordinance requirements and that the benefits of the deviation would substantially outweigh any detriment. In other words, the Applicant has to show that (1) the variance pertains to the specific property; (2) that a variance would advance the purposes of the MLUL and the ordinance; (3) the variance does not cause “substantial detriment to the public good”; (4) its benefits substantially outweigh any detriments from the deviation; and (5) the variance does “not substantially impair the intent and purpose of” the Zoning Plan and Zoning Ordinance.
5. The Applicant has provided testimony as to the existing/proposed use of the building on this specific property.
6. The variances can be granted under NJSA 40:55D-70c(2).
7. The requested variance does not change the impervious coverage of the Property.
8. The application advances the purposes of the MLUL in that it encourages the municipal action in the development of lands in a manner which will promote the general welfare.
9. The granting of the variances does not represent any detriment to the zone plan or ordinance.
10. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
11. 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 Partenheimer

Board members voting to grant the requested variances: Burns, Partenheimer, Bonetti, Mulholland, Sweet, Pukenas

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 September 21, 2021, memorializing action taken by the Zoning Board on August 17, 2021.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**TAVIS KARROW, Secretary**