

**A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF
HADDONFIELD UPHOLDING THE ZONING OFFICER'S
DENIAL OF A ZONING PERMIT
Appeal of Permit No. 2022-020**

A public hearing on this matter was conducted by the Board on March 15, 2022

PROPERTY ADDRESS: 325 Springfield Terrace
Block 24, Lot 9 on the Tax Map

NAME OF APPELLANT: Gary and Jeanne Barnum

OWNER OF PROPERTY: Gary and Jeanne Barnum

BOARD MEMBERS PRESENT:
Wayne Partenheimer, Vice-Chairperson
Brian Mulholland
Bryan Pukenas
Steve Sweet
William Shanahan
Lindsey Watson McCarthy- Alternate

APPEARANCES: Gary and Jeanne Barnum, Appellant
Melanie Abramson, Borough Engineer
Tavis Karrow, Zoning Officer & Board Secretary
Jennifer Johnson, Esquire, Board Solicitor

PROPERTY DESCRIPTION

ZONING DISTRICT: R7

ISSUE ON APPEAL

Was the Zoning Officer's denial of a zoning permit proper?

RELIEF REQUESTED

Reversal of Zoning Officer's decision and issuance of zoning permit.

SUBMISSIONS

Denied Application for Zoning Permit
Plans for Demolition and Proposed Construction prepared by David Brand Architecture,
dated 7/15/21

SUMMARY OF PROCEEDINGS

This matter came before the Board as an appeal from the Zoning Officer's denial of a zoning permit pursuant to N.J.S.A. 40:55D-70(a). The appeal was timely filed.

The Board proceeded to review the application and submissions which accompanied same. The Board considered arguments from the Appellant. After consideration of the record, the Board voted to affirm the decision of the Zoning Officer. It advised the Appellant that if they wanted to proceed with their plans they would have to apply for a use variance to have a multi-family home in a zone which only allows single family homes.

FINDINGS OF FACT AND CONCLUSIONS

1. The subject property is located in the R-7 Zone.
2. The R-7 zone allows single-family homes only.
3. The Appellants have owned the property for 45 years and always used it as a multi-family home. They now wish to make considerable improvements to the house to update it. To do these improvements, the house's electric and plumbing systems will be replaced and major construction will take place on all floors on the house. This construction will make the house uninhabitable for some time.
4. The Zoning Officer determined that because the demolition makes the home uninhabitable, a Certificate of Occupancy would be required if someone wanted to inhabit the property. A Certificate of Occupancy could not be issued for a multi-family house in the R-7 zone without the owner first getting a use variance to do so since only single-

family homes are allowed in this zone.

5. The Board considered the record below and the arguments of the Appellant. In reviewing the evidence, the Board found that because the Appellant was demolishing the house down to "the studs", the house would not continue to be a pre-existing non-conforming use as a multi-family house. Its pre-existing use would cease. If the Appellant wanted to begin using the home as a multi-family home again, it would have to apply for a use variance and be approved for same.

6. Accordingly, the Board determines that the multi-family use in question ceases at demolition and the house reverts back to be permitted to be a single family home only unless a use variance is granted.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Borough of Haddonfield, that the Zoning Officer's denial of a zoning permit for the multi-family use of Appellant's property is *AFFIRMED* and the Applicant's appeal is *DENIED*.

Motion by: Shanahan; seconded by Mulholland

Board members voting to affirm the Zoning Officer's denial of a zoning permit: Partenheimer, Mulholland, Pukenas, Shanahan, Sweet, McCarthy

Board members voting to reverse the Zoning Officer's denial of a zoning permit: None

CERTIFICATION

I hereby certify that the foregoing is a true, accurate, and complete copy of the resolution of memorialization adopted by the Zoning Board at its regular monthly meeting on April 19, 2022, memorializing action taken by the Zoning Board on March 15, 2022.

Tavis Karrow, Board Secretary

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF

THE BOROUGH OF HADDONFIELD

APPLICATION/RESOLUTION NUMBER: ZBA #2022-06
PROPERTY ADDRESS: 6 Heritage Road [B 64.04 L11]
NAME OF OWNER/APPLICANT: Ron and Liz Sandmeyer
DATE OF HEARING: March 15, 2022
APPEARANCES: Ron Sandmeyer, Owner/Applicant
Tavis Karrow, Board Secretary
Jennifer Johnson, Esq. Board Solicitor
Melanie Abramson, Board Engineer

BOARD MEMBERS PRESENT AND VOTING:

Wayne Partenheimer, Vice-Chairperson
Brian Mulholland
Bryan Pukenas
Steve Sweet
William Shanahan
Lindsey Watson McCarthy- Alternate

PROPERTY DESCRIPTION

ZONING DISTRICT: R5
STREET FRONTAGE: 80'
STRUCTURES ON LOT: One and a half story single-family residence with an attached one car garage

DEVELOPMENT PROPOSAL

The Sandmeyers are looking to replace their existing wood deck with a PA bluestone patio. No expansion or additional coverage on the property. The existing wood deck is rotting, deteriorating and has unsafe sections.

RELIEF/VARIANCE REQUESTED

1. Section 135-30D4(b) impervious coverage 32% maximum allowed, 36% existing, 36% proposed;

SUBMISSIONS

Application

Survey/Zoning Plan prepared by Walter H. Macnamara Assoc Inc, dated 7/25/18

Plans prepared by Oak Shade Nursey Landscape Services, dated 1/31/2022

SUMMARY OF TESTIMONY AND EVIDENCE

The Sandmeyers are looking to replace their existing wood deck with a PA bluestone patio. No expansion or additional coverage on the property. The existing wood deck is rotting, deteriorating and has unsafe sections. The existing deck is 236.5 square feet and the proposed patio will be 235 sf. The Applicants need a variance for impervious coverage because 32% is the maximum allowable coverage in this zone and they are currently at approximately 36%. The proposed renovations will also keep them at 36% since the patio will be built approximately where the deck is. They also do not believe this expansion will cause any substantial impairment of the intent and purpose of the zone plan. The Board (specifically Mr. Shanahan) stated he was in favor of the application since it would reduce building coverage and keep impervious coverage nearly the same. It also improved the rear yard setback calculation. The Applicant testified that there have been no changes made to the lot since the survey was performed.

No members of the public spoke regarding this 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(2) variance, the Applicant has to show that the variance is for a specific property, advances a purpose of zoning and that the benefits of granting the variance substantially outweigh any detriments of granting the variance.
4. The variances can be granted under NJSA 40:55D-70c(2).
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. 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.
7. The application advances the purposes of the MLUL in that it promotes a desirable visual environment.
8. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan, primarily because the applicant is reducing impervious coverage and providing a storm water management system that will also improve the drainage conditions in the area.
9. 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: Partenheimer, seconded by Shanahan

Board members voting to grant the requested variance: Partenheimer, Sweet, Pukenas, Shanahan, Mulholland and 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 April 19, 2022, memorializing action taken by the Zoning Board on March 15, 2022.

Dated: _____

TAVIS KARROW, Secretary

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

APPLICATION/RESOLUTION NUMBER: ZBA #2022-02

PROPERTY ADDRESS: 111 Centre Street [B 40 L 16.01]

NAME OF APPLICANT: Llinsish F. Alvarez

OWNER OF PROPERTY: Llinsish F. Alvarez

DATE OF HEARING: March 15, 2022

APPEARANCES: Llinsish F. Alvarez, Applicant (by phone)
Skip Reale, Esq., Attorney for Applicant
Richard Lukoff, P.E. Engineer for Applicant
Tavis Karrow, Board Secretary
Melanie Abramson, Board Engineer
Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Wayne Partenheimer, Vice-Chairperson
Brian Mulholland
Bryan Pukenas
Steve Sweet
William Shanahan
Lindsey Watson McCarthy- Alternate

Note: This meeting was conducted virtually by zoom.

PROPERTY DESCRIPTION

ZONING DISTRICT: R7

LOT AREA: 3384sf
LOT FRONTAGE: 22.56'
STRUCTURES LOCATED
ON LOT: Two story single-family residence (one half of a twin home)

DEVELOPMENT PROPOSAL

The proposal is to convert the front lawn of the property into a parking space for the use of the right side of this twin home. A curb cut would have to be approved by the Borough. The large tree on the curb strip would remain.

RELIEF/VARIANCE REQUESTED

Section 135-86B(6)(b): to permit a zero side yard setback where 3' is required
Section 135-86B(6)c: to allow parking in front of the house
Section 135-10: to allow a departure from the number of parking spaces required by Ordinance.

SUBMISSIONS

Exhibit 1- Application
Exhibit 2- Existing site plan
Exhibit 3- Proposed site plan

SUMMARY OF TESTIMONY AND EVIDENCE

The applicant Llinsish F. Alvarez, the owner of the home, presented the application to the Board. The Applicant proposes to pave his front lawn to allow himself to park one truck on the front lawn of his twin home. To accomplish this, he would need multiple variances and a curb cut from the Borough. The Applicant testified that he needs to be able to park in front of his home because it is difficult to find parking on the street.

1. There was much discussion among the board members regarding this application. They discussed how close the parking pad would be to the one on the neighbor's front

lawn. They also discussed whether they should have one continuous apron for the two properties. Mr. Lukoff mentioned that the parking space would be black asphalt. Jen Johnson requested that it be white or gray stone to match the neighbor's space. Applicant agreed to this. The Applicant's attorney also agreed that the parking space would not be created until a C.O. for the house itself was granted. The Board members discussed that the motion should include the following conditions:

- a. The new parking pad must conform with the parking pad of the twin neighbor.
- b. The parking pad permit will not be granted until a certificate of occupancy is granted for the property itself.
- c. Details of the parking pad plan are submitted to and approved by the Borough Engineer.

Neighbors Arthur and Pam DiPadova of 126 Centre Street spoke in opposition to the application. They do not feel it is appropriate to have a car parked on the front lawn of a property. They also commented that the property owner keeps the house in very poor condition and not in keeping with the rest of the neighborhood. They feel that a parking space on the front lawn would not enhance the character of the neighborhood.

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(1) variance, the Applicant has to show a hardship specific to the Property.
5. 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.

6. The Applicant failed to show how this application can be granted under either NJSA 40:55D-70c(1) and c(2).
7. The Board discussed that this request goes against the parking ordinance of the Borough and is too much of a deviation from what is allowed.
8. Mr. Pukenas stated that the application is premature and should be considered after the house is renovated.
9. Mr. Partenheimer thought the neighbors raised very good points regarding the appearance and upkeep of the property.
10. The granting of the variances represents a detriment to the zone plan or ordinance.
11. The relief requested cannot be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
12. 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 denied, pursuant to N.J.S.A. 40:55D-70(c).

Motion By: Sweet, seconded by Brian Mulholland

Board members voting to grant the requested variances: McCarthy, Sweet

Board members voting to deny the requested variances: Partenheimer, Mulholland, Shanahan, Pukenas

AND, BE IT FURTHER RESOLVED that a copy of this Resolution be mailed within ten (10) days of the date of its adoption to the Applicant’s Counsel and that a copy of this Resolution be

maintained on file by the Construction Office of the Borough of Haddonfield and that a brief notice of this decision shall be published in the official newspaper of the Borough of Haddonfield.

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 April 19, 2022, memorializing action taken by the Zoning Board on March 15, 2022.

Dated: _____

TAVIS KARROW, Secretary