

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

APPLICATION/RESOLUTION NUMBER: ZBA #2021-33
PROPERTY ADDRESS: 214 Lakeview Avenue [B51 L 1.08]
NAME OF APPLICANT/OWNER: Cary Munson
DATE OF HEARING: October 19, 2021 (by Zoom)
APPEARANCES: Cary Munson, Owner/Applicant
 Tavis Karrow, Board Secretary
 Jennifer Johnson, Board Solicitor
 Edwin J. Jesiolowski, Applicant's Architect

BOARD MEMBERS PRESENT AND VOTING:

Wayne Partenheimer, Vice-Chairperson
Bryan Pukenas
Brian Mulholland
Steve Sweet
Bill Shanahan
Brittany Bonetti
Lindsey Watson
Matthew Mazza (non-voting)
Lou Randazzo (non-voting)
Kas Godseeapour (non-voting)

PROPERTY DESCRIPTION

ZONING DISTRICT: R8
LOT DIMENSIONS: 26.5' x 117'
LOT AREA: 3100 sf
STREET FRONTAGE: 26.5'

4. To obtain a c(1) variance, the Applicant has to show a hardship specific to the Property.
5. The variances can be granted under NJSA 40:55D-70c(1).
6. The Applicant has provided testimony as to the proposed use of this specific property.
7. Strict application of the zoning ordinance requirements would result in an undue hardship on the Applicant.
8. The Board was particularly compelled by the C1 argument given the undersized width of the lot.
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 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.
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: Watson, seconded by Bonetti

Board members voting to grant the requested variances: Partenheimer, Bonetti, Mulholland, Sweet, Pukenas, Shanahan and Watson

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 November 16, 2021, memorializing action taken by the Zoning Board on October 19, 2021.

Dated: _____

TAVIS KARROW, Secretary

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

APPLICATION/RESOLUTION NUMBER: ZBA #2021-34
PROPERTY ADDRESS: 346 Springfield Terrace [B 28 L 1.03]
NAME OF APPLICANT/OWNER: Annamarie Gatti
DATE OF HEARING: October 19, 2021 (by Zoom)
APPEARANCES: Annamarie Gatti, Owner/Applicant
 Tavis Karrow, Board Secretary
 Jennifer Johnson, Board Solicitor
 Melanie Adamson, Board Engineer

BOARD MEMBERS PRESENT AND VOTING:

Wayne Partenheimer, Vice-Chairperson
Bryan Pukenas
Brian Mulholland
Steve Sweet
Bill Shanahan
Brittany Bonetti
Lindsey Watson
Matthew Mazza (non-voting)
Lou Randazzo (non-voting)
Kas Godseeapour (non-voting)

PROPERTY DESCRIPTION

ZONING DISTRICT: R7
LOT DIMENSIONS: 40' x 120'
LOT AREA: 4800 sf
STREET FRONTAGE: 40'

STRUCTURES ON LOT: Two story single-family residence

DEVELOPMENT PROPOSAL

The proposed project will consist of a 16' x 20' deck built off the rear of the house. The deck will include a set of steps with a landing.

RELIEF/VARIANCE REQUESTED

Section 135-32D(2)(b): to permit a side yard setback of 7.72' where 10' is required.

Section 135-32D(2)(c): to permit a side yard combined setback of 15.6' where 20' is required.

Section 135-32D(4)(a): to permit building coverage of 32% where 25% is the maximum allowed.

Section 135-32D(4)(b): to permit impervious coverage of 40.3% where 40% is the maximum allowed.

SUBMISSIONS

Application

Survey, prepared by Walter H. Macnamara Assoc, Inc., dated January 22, 2020

SUMMARY OF TESTIMONY AND EVIDENCE

The Applicant presented the application to the Board. Ms. Gatti explained that although four variances may seem like a lot, once she went through them, the Board would understand that they are quite minor. The Applicant would like to add a rear deck off the back of the house. Apparently, there used to be a deck there but due to deterioration, the deck was removed and a staircase installed in its place. The Applicant would like to remove the staircase and construct a deck the entire width of the house to have a space to entertain guests and enjoy the outdoors. Other properties in the surrounding area have decks and approval of this application would have no negative effect on the adjacent properties.

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(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 width of the lot.
10. 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.
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 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: Mulholland, seconded by Shanahan

Board members voting to grant the requested variances: Partenheimer, Bonetti, Mulholland, Sweet, Pukenas, Shanahan and Watson

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 November 16, 2021, memorializing action taken by the Zoning Board on October 19, 2021.

Dated: _____

TAVIS KARROW, Secretary

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

APPLICATION/RESOLUTION NUMBER: ZBA #2021-38
PROPERTY ADDRESS: 10 Mechanic Street [B 21 L 17]
NAME OF APPLICANT/OWNER: Little Brown Bird, LLC
DATE OF HEARING: October 19, 2021 (by Zoom)
APPEARANCES: Richard Hoff, Esq., Attorney for Applicant
Benita Cooper, Architect for Applicant
Tavis Karrow, Board Secretary
Jennifer Johnson, Board Solicitor
Melanie Adamson, Board Engineer

BOARD MEMBERS PRESENT AND VOTING:

Wayne Partenheimer, Vice-Chairperson
Bryan Pukenas
Brian Mulholland
Steve Sweet
Bill Shanahan
Brittany Bonetti
Lindsey Watson
Matthew Mazza (non-voting)
Lou Randazzo (non-voting)
Kas Godseeapour (non-voting)

PROPERTY DESCRIPTION

ZONING DISTRICT: D3
LOT DIMENSIONS: 30.03' x 65.02'
LOT AREA: 1952.55 sf

STREET FRONTAGE: 30.03'
STRUCTURES ON LOT: Single story commercial building

DEVELOPMENT PROPOSAL

The Applicant seeks to install a pergola cover over an existing gravel area. No building addition is proposed and the property as it exists has 100% impervious coverage. Applicant seeks this relief to provide a comfortable and protects outdoor seating area to its customers.

RELIEF/VARIANCE REQUESTED

Section 135-3283(b): to permit a building coverage of 100% where 50% maximum is allowed.

SUBMISSIONS

Application

Survey, prepared by TSE, Inc. dated 5/24/21

Plot Plan, prepared by TSE, Inc. dated _____

landscape plan, existing and proposed floor plan and elevations, prepared by Benita Cooper Designs, dated 8/20/21

SUMMARY OF TESTIMONY AND EVIDENCE

The Applicant's attorney Mr. Hoff presented the application to the Board. Mr. Hoff explained that, although per the Haddonfield ordinance, the building is only allowed to cover 50%, the existing building occupies 74.12% of the entire property. Currently the remainder of the property is covered with gravel thus making it impervious. The Applicant is looking to hardscape the entire remainder of the property and place a retractable awning over it. The awning will be held up with trusses and steel posts. The desire by the Applicant is to use the outdoor space to allow customers to sit at tables in this outdoor space and enjoy the snacks and beverages they purchase in the restaurant.

The Applicant plans on installing a stormwater management system which will capture 3400 gallons of runoff. One downspout on the roof will run into the retention system to the right of the building.

The Applicant's architect testified that the plan provided in the application will have a more welcoming appearance.

No members of the public spoke.

FINDING OF FACT AND CONCLUSIONS

1. The property is in the D-3 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 to show that the variance is for a specific property.
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. The granting of the variance do 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 encourages the municipal action in the development of lands in a manner which will promote the general welfare.
8. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
9. The variance can be granted under NJSA 40:55D-70c(2).
10. 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 Applicant agrees that no permanent structure can be constructed in place of the awning without additional approvals from the Haddonfield Zoning Board of Adjustment.
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: Partenheimer, seconded by Sweet

Board members voting to grant the requested variances: Partenheimer, Bonetti, Mulholland, Sweet, Pukenas, Shanahan and Watson

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

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Dated: _____

TAVIS KARROW, Secretary