

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

Application/Resolution Number:	ZBA #2022-36
Property Address:	28 Lane of Acres
Name of Owner/Applicant:	Robert and Bernadette Mehmet
Date of Hearing:	11/15/22
Appearances:	Richard S. Israel, Esq., Applicant's Attorney Thomas B. Wagner, RA, Applicant's Architect Tavis Karrow, Board Secretary Jennifer Johnson, Esq., Board Solicitor Melanie Adamson, PE, Board Engineer
Board Members Present:	Kevin Burns, Chairperson Wayne Partenheimer, Vice-Chairperson Steve Sweet Bryan Pukenas (recused) Brittany Bonetti William Shanahan Lindsey Watson-McCarthy Kas Ghodoussipour-Alternate Lou Randazzo- Alternate Matt Mazza, Alternate

**PROPERTY DESCRIPTION**

Zoning District:	R-1
Structures on Lot:	Single Family Residence

**DEVELOPMENT PROPOSAL**

The single family home is currently one-story with three bedrooms and the Applicant proposes to add a second floor consisting of two bedrooms, a bathroom and a finished storage area. The Applicant also proposes to replace an existing sun room at the rear of the home which currently has no foundation with a sun room with a foundation within the same footprint of the existing sun room.

**RELIEF/VARIANCE REQUESTED**

1. Section 135-26(D)(4)(b) — Maximum Impervious — 15% required — 35.09% existing and proposed:
2. Section 135-26(D)(2)(a) — Minimum Front Setback — 100' required — 49.78' existing and

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proposed;

3. Section 135-26(D)(2)(d) — Minimum Rear Setback — 100' required — approx. 80' existing and proposed;

4. Section 135-26(D)(1)(a) – Minimum Lot Area – 80,000 SF required – 45,957 SF existing and proposed;

5. Section 135-26(D)(1)(c) – Minimum Lot Frontage – 200' required – 15' existing and proposed;

6. Section 135-26(D)(1)(d) – Minimum Lot Depth – 400' required – 200' existing and proposed;

### **SUBMISSIONS**

Zoning Board application

First floor plans, prepared by Thomas Wagner AIA, dated 6/7/22

Front elevations and rear elevations, prepared by Thom Wagner AIA, dated 6/7/22

Side Elevations, prepared by Thom Wagner, AIA, dated 6/7/22

Survey of Premises, prepared by Richard S. Humphries, dated 8/5/16, not sealed

Aerial Photo of PIQ and surrounding parcels (as shown on Google Maps)

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

The property is an undersized flag lot in the R-1 zone. The property has a 15 foot wide, 395.3 foot long driveway on Lane of Acres (the flag pole) and the main (or flag) portion of the lot measures 200 feet by 200 feet. A home and significant foliage are situated on Lot 8, between the Applicant's home and Lane of Acres and the home is virtually not visible from Lane of Acres. The seventeenth hole fairway of the Tavistock Country Club golf course is directly behind the property. There are a number of existing zoning code non-conformities due to the unusual shape and the size of the property, none of which are affected by the proposed project and for which the Applicant respectfully requests the Board grant variances. No new non-conformities are proposed that would require a variance. There is an existing in-ground swimming pool with a concrete apron that does not conform with the accessory side yard setback, which is unrelated to the proposed project.

The non-conformities of the home and the impervious surface result directly from the flag portion of the property being half of the depth (and consequently half of the area) required by the Land Use ordinance, and the variances can be granted under N.J.S.A. 40:55D-70(c)(1) (hardship). Further, the requested variances can be approved under (c)(2) (benefits outweigh detriments), inasmuch as the proposed improvements to the home will improve the structural integrity of the home by including

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a foundation under the sunroom to replace the existing sunroom (within its current footprint) and will enhance the property and will not have a detrimental impact on Haddonfield's zoning scheme.

Granting the variances will not be substantially detrimental to the public good or substantially impair the purpose and intent of the zoning ordinance. The addition of the second floor will not create any new nonconformities and will not expand or modify the existing non-conformities, and although it will be visually appealing, will be effectively unseeable from any of the neighboring properties, except golfers on the Tavistock golf course. The home, even with the added floor, will remain well within the proportion of homes in the neighborhood.

No members 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 non-conforming dimensions of the lot pre-date the zoning ordinance and requested variances numbers 4, 5 and 6 (above) are not required to approve the proposed project.
4. The variances numbered 1, 2 and 3 (above) can be granted under both NJSA 40:55D-70c(1) and c(2).
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. To obtain a c(1) variance, the Applicant has to show a hardship specific to the Property.
8. To obtain a c(2) variance, the Applicant has to show 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.
9. The Board was compelled by the C1 argument given the lot is half the depth and half the area required by the Code.
10. The setback of the garage at 49.77' and of the house at 84.44' will remain as is,
11. Mr. Burns approved of the application because it is an undersized lot, all of the non-conformities are existing and there are no drainage issues on the property.

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12. The application advances the purposes of the MLUL in that it promotes a desirable visual environment and is in keeping with the character of the neighborhood.
13. 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.
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**

Motion By: Burns  
Seconded by: Bonetti

Board Members voting to grant the requested variances: Burns, Partenheimer, Shanahan, Sweet, Bonetti, Watson-McCarthy, Ghodoussipour

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 December 20, 2022, memorializing action taken by the Zoning Board on November 15, 2022.

Dated: \_\_\_\_\_, 2022

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**TAVIS KARROW, Secretary**