

**A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF  
HADDONFIELD GRANTING VARIANCE APPROVAL TO  
TARKEN HOMES, LLC.  
ZBA #2019-24**

---

A public hearing on this matter was conducted by the Board on August 18, 2020

APPLICATION NUMBER: ZBA#2019-24

PROPERTY ADDRESS: 120 Marne Avenue  
Block 11.14, Lot 11 on the Tax Map

NAME OF APPLICANT: Tarken Homes, LLC.

OWNER OF PROPERTY: Tarken Homes, LLC.

DATE OF HEARING: August 18, 2020

**BOARD MEMBERS PRESENT  
AND VOTING:**

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Brian Mulholland  
Steve Sweet  
Frank Troy  
William Shanahan (Alternate I)  
Brittany Bonetti (Alternate II)

**ALSO PRESENT BUT  
NOT VOTING:**

Richard Wells (Alternate IV)

**APPEARANCES:**

Peter J. Fontaine, Applicant  
Travis Greiman, Borough Engineer  
Tavis Karrow, Zoning Officer & Board Secretary  
Francis X. Ryan, Esquire, Board Solicitor

**NOTE:**

The Meeting was conducted online, via Zoom®

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R-5

LOT DIMENSIONS: 50'/125'  
LOT AREA: 6250 square feet  
STREET FRONTAGE: 50'  
STRUCTURES LOCATED ON LOT: Two-story single-family residence.

**DEVELOPMENT PROPOSAL**

1. Removal and replacement of existing concrete driveway.

**RELIEF/VARIANCE REQUESTED**

1. A variance relief from Section 135-86 (B) (6) (b) which requires all driveways to be set back not less than three (3) feet from the side lot line and approximately 1' to 3.5' is proposed (and existing).
2. A variance from Section 135-32 (D) (4) (b) which limits impervious coverage to 40% and 65% is proposed (and existing).

**SUBMISSIONS**

Application and supporting documents.

**SUMMARY OF TESTIMONY AND EVIDENCE**

Susana Das, the Applicant's Attorney, provided an overview of the application. The existing driveway had fallen into disrepair and the Applicant seeks to remove it and replace it in its current location.

DePaul Patel, the Applicant's Representative then testified. He indicated that the existing driveway has fallen into a state of disrepair and is no longer safe. He proposes to remove the existing driveway and replace it with a new concrete driveway. Because of the placement of the existing driveway on the site and the placement of the house on the lot there is no other place to put the driveway and to meet the side yard setback would result in an undersized driveway that would not permit vehicles to pull behind the front property line. No other changes are proposed to the property.

No member of the public appeared or testified.

## FINDINGS OF FACT AND CONCLUSIONS

1. The subject property is located in the R-7 Residential Zone.

2. To obtain a (c)(1) variance the Applicant must show the existence of peculiar and practical difficulties to, or exceptional undue hardship upon the Applicant arising out of (a) the exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon. Because of the existing development of this lot there is no other place to put a functional driveway. While the removal of the driveway would result in the reduction of impervious coverage such would result in a lack of off-street parking or require parking in the front yard which is also a violation of the zoning ordinance. The proposal is more consistent with the zoning plan and ordinance.

3. The granting of the variance does not represent any detriment to the zone plan or ordinance.

4. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.

5. 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 Board of Adjustment.

## RESOLUTION

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Borough of Haddonfield, that subject to the conditions noted below, 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.
  
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 variance: Burns, Partenheimer, Mulholland, Sweet, Troy, Shanahan and Bonetti

Board members voting to deny the requested variances: 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 September 15, 2020, memorializing action taken by the Zoning Board on August 18, 2020.

---

Tavis A. Karrow, Board Secretary

**A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF  
HADDONFIELD GRANTING THE VARIANCE APPLICATION OF  
PETER J. FONTAINE  
ZBA #2020-13**

---

A public hearing on this matter was conducted by the Board on August 18, 2020.

APPLICATION NUMBER: ZBA#2020-13

PROPERTY ADDRESS: 44 Jefferson Avenue  
Block 64.01, Lot 9.03 on the Tax Map

NAME OF APPLICANT: Peter and Jennifer Fontaine

OWNER OF PROPERTY: Peter and Jennifer Fontaine

DATE OF HEARING: August 18, 2020

BOARD MEMBERS PRESENT  
AND VOTING:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Brian Mulholland  
Steve Sweet  
Frank Troy  
William Shanahan (Alternate I)  
Brittany Bonetti (Alternate II)

ALSO PRESENT BUT  
NOT VOTING:

Richard Wells (Alternate IV)

APPEARANCES:

Peter Fontaine, Applicant  
Tavis Karrow, Zoning Officer & Board Secretary  
Travis Greiman, Board Engineer  
Francis X. Ryan, Esquire, Board Solicitor

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R-5

LOT DIMENSIONS: 90' x 158.83' (irregular)

LOT AREA: 13,829.25 square feet +/-

STREET FRONTAGE: 90'

STRUCTURES LOCATED ON LOT: Two-story single-family residence and detached two-car garage.

### DEVELOPMENT PROPOSAL

1. Construction of second floor addition over the existing detached garage.

### VARIANCES REQUESTED

1. A variance from Section 135-30 (D) (3) (b) which requires a minimum single side yard setback for accessory buildings of 5' and 1.33' is proposed (and existing).
2. A variance from Section 135-30 (D) (5) (a) which permits a maximum building height for accessory buildings of 18' and 21' is proposed (and existing).

### SUBMISSIONS

Application and supporting documents.

### SUMMARY OF TESTIMONY AND EVIDENCE

The Applicant, Peter Fontaine appeared and presented the application. He testified that as a result of the current COVID-19 pandemic he has been unable to work in his office on a regular basis. His offices in Philadelphia are closed indefinitely. He therefore needs to work from home, and he is unable to do that properly within the confines of the existing structure. As an attorney he needs to protect the confidentiality of his clients even from his family members. Unfortunately, he is unable to do so in his home because of its age and the fact that there is no sound deadening materials in the walls. His proposal is to add a second floor to the existing detached two-car garage. This would enable him to work remotely from his house. There is adequate area on his existing lot to have built an addition to the home or even an addition to the side of the existing garage to obtain the needed workspace. However, after consulting with an architect and taking in to consideration such matters as increased impervious coverage he determined that it would be best to build over the existing garage. One advantage of doing so would be to maintain the existing amount of impervious coverage on the lot. It would also avoid the necessity of removing some existing mature trees near the garage. Although he acknowledges that the height of the garage will exceed the permitted limit it was noted that the rear yard of the property sits at a much lower grade than does the front of the house. The zoning officer indicated that the difference in grade could be as much as twelve (12) feet. For that reason, the two-story garage, although in excess of the permitted limit would still not be visible from the street and it would be buffered

in the rear by the existing trees.

No members of the public appeared or testified.

### FINDINGS OF FACT AND CONCLUSIONS

1. The property in question is located in the R-5 residential zone.

2. The present application represents the third of this type in the last two (2) months. The Board is cognizant of the fact that as a result of the COVID-19 pandemic more residents are required to work from home at the same time that younger residents may be "attending" school from home. This phenomenon has resulted in an increase in the number of Applicants seeking to add workspace to their homes.

3. The property in question has a substantial difference in grade from front to rear. Because of that differential the height of the proposed garage will not be as obtrusive as it may be on another lot which is more level.

4. There is adequate area on the lot for the Applicant to build a new structure that would meet his need for additional space whether on the back of the house or on to the side of the existing garage. To do so would increase the impervious coverage of the lot.

5. To construct a new free-standing building on grade would also involve the possible removal of the number of mature trees which the Board does not consider to be advantageous to the public nor to the zone plan.

6. Here it is determined that the Applicant has satisfied the requirements for a (C)(2) variance. The requested relief pertains to specific property and it would advance the purposes of the MLUL because it makes use of existing building and impervious coverage rather than expanding or increasing same. It also preserves a number of mature trees which would possibly need to be removed if a new structure with a new footprint was constructed. The granting of this variance does not impair the intent and purpose of this zone plan much less *substantially* impair the intent and purpose of the zoning plan.

7. Strict application of the provisions of the Land Development Ordinance (LDO) would result in peculiar and exceptional difficulties which justify the granting of the requested variances.

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 relief requested can be granted without substantial detriment to the public good.

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 Board of Adjustment.

**RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Borough of Haddonfield, that subject to the conditions noted below, 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: Shanahan; seconded by Partenheimer

Board members voting to grant the requested variance: Burns, Partenheimer, Mulholland, Sweet, Troy, Shanahan and Bonetti

Board members voting to deny the requested variance: 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 September 15, 2020, memorializing action taken by the Zoning Board on August 18, 2020.

---

Tavis Karrow, Board Secretary



**A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF  
HADDONFIELD AFFIRMING THE ZONING OFFICER'S  
ISSUANCE OF A ZONING PERMIT**

---

A public hearing on this matter was conducted by the Board on August 18, 2020

ZONING PERMIT NUMBER: 820-003

PROPERTY ADDRESS: 509 E. Park Avenue  
Block 44, Lot 13.01 on the Tax Map

NAME OF APPELLANT: Kim Paynter

OWNER OF PROPERTY: Lisa Cutler

DATE OF REVIEW: August 18, 2020

BOARD MEMBERS PRESENT  
AND VOTING:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Brian Mulholland  
Steve Sweet  
Frank Troy  
William Shanahan (Alternate I)  
Brittany Bonetti (Alternate II)

ALSO PRESENT BUT  
NOT VOTING:

Richard Wells (Alternate IV)

APPEARANCES:

Kim Paynter, Appellant  
Lisa Cutler, Property Owner  
Travis Greiman, Borough Engineer  
Tavis Karrow, Zoning Officer & Board Secretary  
Francis X. Ryan, Esquire, Board Solicitor

NOTE:

The Meeting was conducted online, via Zoom©

**PROPERTY DESCRIPTION**

ZONING DISTRICT:

R-8

### ISSUE ON APPEAL

Was the Zoning Officer's issuance of a zoning permit proper.

### RELIEF REQUESTED

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

### SUBMISSIONS

Administrative Record

Z.O.1 – Application for zoning permit dated 7/31/2020

Z.O.2 – Survey of Premises dated 5/11/2006

Z.O.3 – Notice of Zoning Permit Appeal dated 8/6/2020

Z.O.4 – Notice of Appeal

### SUMMARY OF PROCEEDINGS

This matter came before the Board as an appeal from the Zoning Officer's issuance 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 initial application and submissions which accompanied same. Those submissions consisted of the Zoning Officer file Exhibits Z.O.1 – Z.O.3. The Board also considered the Appellant's Notice of Appeal (Exhibit Z.O.4). The Board also considered the testimony of the Appellant and Property Owner.

After consideration of the record, the Board voted to affirm the decision of the Zoning Officer and the issuance of a zoning permit.

### FINDINGS OF FACT AND CONCLUSIONS

1. The subject property is located in the R-8 Zone.
2. Section 135-96, fence regulations govern fences. Section B limits the height of the fences to four (4) feet. The fence in question is less than four (4) feet tall.
3. There is no limitation on the proximity of a fence to a property line.
4. The Board considered the comments of the Appellant, Kim Paynter. Her basic argument is that the permit was issued to install the fence along a property line which is not the actual property line. She contends that the property line is approximately 4-5 feet to the northeast following a line of trees. The basis for that assertion is the fact that her father and the current owner's predecessor in title reached a "gentleman's agreement" to move the

property line to allow for the extension on the Appellant's building.

The Board rejected Appellant's assertion that the property line was other than that shown in the survey which was part of the administrative record. The Board made clear to the parties that its determination was not conclusive as to any potential claims that Appellant may have based upon adverse possession or other theories of law. The Board decided the matter before it based upon the evidence presented including an uncontroverted survey submitted by a licensed engineer.

5. The Board did acknowledge that the placement of the trash cans on 509 E. Park Avenue could present a nuisance to the Appellant and the Board encouraged the property owner to consider moving the trash cans from their present location.

### RESOLUTION

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Borough of Haddonfield, that the Zoning Officer's issuance of a zoning permit for the construction of a fence on 509 E. Park Avenue is affirmed and the Applicant's appeal is denied.

Motion by: Burns; seconded by Mulholland

Board members voting to affirm the Zoning Officer's issuance of a zoning permit: Burns, Partenheimer, Mulholland, Sweet, Troy, Shanahan and Bonetti

Board members voting to reverse the Zoning Officer's issuance 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 September 15, 2020, memorializing action taken by the Zoning Board on August 18, 2020.

---

Tavis Karrow, Board Secretary

**A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF  
HADDONFIELD GRANTING VARIANCE APPROVAL TO  
JOSEPH BROUDY AND RENEE WISE  
ZBA #2020-14**

---

A public hearing on this matter was conducted by the Board on August 18, 2020

APPLICATION NUMBER: ZBA #2020-14

PROPERTY ADDRESS: 640 Farragut Avenue  
Block 83, Lot 2.01 on the Tax Map

NAME OF APPLICANT: Joseph Broudy and Renee Wise

OWNER OF PROPERTY: Joseph Broudy and Renee Wise

DATE OF HEARING: August 18, 2020

BOARD MEMBERS PRESENT  
AND VOTING: Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Brian Mulholland  
Steve Sweet  
Frank Troy  
William Shanahan (Alternate I)  
Brittany Bonetti (Alternate II)

ALSO PRESENT BUT  
NOT VOTING: Richard Wells (Alternative IV)

APPEARANCES: Renee Wise, Applicant  
Steven Feigeles, Applicant's Builder  
Wade Marlin, Applicant's Architectural Assistant  
Travis Greiman, Borough Engineer  
Tavis Karrow, Zoning Officer & Board Secretary  
Francis X. Ryan, Esquire, Board Solicitor

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R-4

LOT DIMENSIONS: 75' x 175' (irregular)  
LOT AREA: 13,125 square feet  
STREET FRONTAGE: 75'  
STRUCTURES LOCATED ON LOT: Split-level, single family residence

### DEVELOPMENT PROPOSAL

1. Addition of second floor over existing structure.

### VARIANCES REQUESTED

1. A variance from Section 135-29D(2)(b) which requires a minimum single side yard setback of fifteen (15) feet and 5.54' is proposed (and existing).
2. A variance from Section 135-29D(2)(c) which requires a minimum combined side yard of 35' and 15.30' is proposed (and existing).
2. A variance from Section 135-29D(2)(d) which requires a minimum rear yard setback of 45' and 19.17' is proposed (and existing).

### SUBMISSIONS

Application and supporting documents.

### SUMMARY OF TESTIMONY AND EVIDENCE

After some initial confusion as to the appearances and participation on behalf of the Applicant it was determined that Renee Wise was, according to the tax records, an owner of the property and therefore had standing as the Applicant. She testified that the proposal was to construct a second-floor addition over the existing "middle" level of the split-level house.

The Applicant's builder then testified. He indicated that the new addition would be going straight up over the existing structure and there would no extension or overhang over the existing perimeter. The total height of the addition when completed would be 29' which is lower than the many two-story homes in the neighborhood. In response to a question from the Board the builder indicated that the right side of the house, which is essentially the middle level is the most practical location for the addition and will better blend in with the existing structure.

No member of the public appeared or testified.

## FINDINGS OF FACT AND CONCLUSIONS

1. The property in question is located in the R-4 residential zone.
  2. The existing structure is currently non-conforming in that it violates the side yard setback requirements and the rear yard setback requirements.
  3. To obtain a (c)(1) variance the Applicant must show the existence of peculiar and practical difficulties to, or exceptional undue hardship upon the Applicant arising out of (a) the exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon. In this case the placement of the existing structure on the lot in a non-conforming manner precludes any further development of the property. The proposed addition is not inconsistent with the size of the existing house or the yard. Due to the size of the front yard an addition could be built in the front yard but that would not be in keeping with the current neighborhood scheme.
  4. Strict application of the provisions of the Land Development Ordinance (LDO) would result in peculiar and exceptional difficulties which justify the granting of the requested variance(s).
  5. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
  6. The relief requested can be granted without substantial detriment to the public good.
79. 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 Board of Adjustment.

## RESOLUTION

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Borough of Haddonfield, that subject to the conditions noted below, a variance be granted, pursuant to N.J.S.A. 40:55D-70(c) to allow the proposed development.

## 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, and all water management requirements.

Motion by: Mulholland; seconded by Bonetti

Board members voting to grant the requested variance: Burns, Partenheimer, Mulholland, Sweet, Troy, Shanahan and Bonetti

Board members voting to deny the requested variance: 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 September 15, 2020, memorializing action taken by the Zoning Board on August 18, 2020.

---

Tavis Karrow, Zoning Officer & Board Secretary