

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

APPLICATION/RESOLUTION NUMBER:       ZBA #2021-16

PROPERTY ADDRESS:                       805 Edge Park Drive [B 1.01 L 12]

NAME OF APPLICANT:                     Nicholas and Amber Landis

OWNER OF PROPERTY:                    Nicholas and Amber Landis

DATE OF HEARING:                      May 18, 2021

APPEARANCES:                        Nick Landis, Owner/Applicant

                                          Thom Wagner, Architect for 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

                                          Britney Bonetti

                                          William Shanahan

Note:                                    This meeting was conducted virtually by zoom.

### **PROPERTY DESCRIPTION**

ZONING DISTRICT: R5  
LOT DIMENSIONS: irregular  
LOT AREA: 29285 sf  
STREET FRONTAGE: 58.88'  
STRUCTURES ON LOT: split level single-family residence

### **DEVELOPMENT PROPOSAL**

The proposal is to remove the existing carport and add on a garage with a two-story addition in the rear of the home.

### **RELIEF/VARIANCE REQUESTED**

Section 135-30(D)(1)(c)- Lot frontage of 58.88' where 75' is required.  
Section 135-30(D)(2)(b)- Side yard of 9.78' where 12' is required  
Section 135-30(D)(2)(c)-Aggregate side yard of 22.38' where 30' is required

### **SUBMISSIONS**

Application  
Color photographs  
Plan of Survey, prepared by Avi Luzon, PLS, dated 7-28-2018  
Site Plans, prepared by Thomas B. Wagner, AIA, undated

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

The Applicant's architect, Thom Wagner, presented the application to the Board. The Applicant proposes to remove the existing carport and add an attached garage and a two-story addition to the home. The home will remain below all coverage requirements and setbacks (with the exception of the single side yard and aggregate side yards). The lot is pie shaped with less than the required frontage mainly because it is stated on a curved section of the street. Mr. Wagner believes the addition will be consistent with the character and feel of the neighborhood and one that is not oversized and large in mass.

The Applicant seeks variances from the side yard single requirement, the side yard aggregate setback requirement and the pre-existing lot frontage requirement.

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 lot frontage deviation is due to the existing shape of the property located on a curve in the street. The lot itself is quite large at 29,285 sf where 7500 sf is the minimum.
8. All of the requested variances are pre-existing. The single side yard requirement is exacerbated by 2.22’ and the aggregate side yard requirement is exacerbated by 7.6’.
9. Enclosing the space which currently houses trashcans, bikes, toys and a car will be more beneficial to the neighborhood.

10. 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.
11. The granting of the variances does not represent any detriment to the zone plan or ordinance.
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 Partenheimer

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

Board members voting to deny the requested variances: None

**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/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 June 15, 2021, memorializing action taken by the Zoning Board on May 18, 2021.

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

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**TAVIS KARROW, Secretary**