

**A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF
HADDONFIELD GRANTING IN PART AND DENYING IN PART THE VARIANCE
APPLICATION OF
JAMES LETCHFORD
ZBA #2019-02**

A public hearing on this matter was conducted by the Board on January 21, 2020

APPLICATION NUMBER: ZBA#2019-18

PROPERTY ADDRESS: 319 Marne Avenue
Block 10.01, Lot 27 on the Tax Map

NAME OF APPLICANT: James Letchford

OWNER OF PROPERTY: James Letchford

DATE OF HEARING: January 21, 2020

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

APPEARANCES: Amy SantaMaria, Esquire, Attorney for Applicant
Joseph Fay, Applicant's Representative
Gregory J. Sullivan, Borough Engineer
Tavis A. Karrow, Zoning Officer & Board Secretary
Francis X. Ryan, Esquire, Board Solicitor

PROPERTY DESCRIPTION

ZONING DISTRICT: R-7

LOT DIMENSIONS: 40' x 125.14/126.74 (irregular)

LOT AREA: 5,037.6 +/- square feet

STREET FRONTAGE: 40'

STRUCTURES LOCATED
ON LOT: Two story residence.

DEVELOPMENT PROPOSAL

1. Rehabilitation and renovation of existing structure, with addition on rear and second floor on a portion of the rear.

RELIEF/VARIANCE REQUESTED

1. A variance from Section 135-32(D)(2)(b) which requires a minimum single side yard of 10' and 8.35' is proposed (and existing).

2. A variance from Section 135-32(D)(4)(a) which limits building coverage to 25% and 31.3% is proposed (28% existing).

3. A variance from Section 135-32(D)(2)(b) which limits total impervious coverage to 40% and 57% is proposed (54% existing).

SUBMISSIONS

Application and supporting documents.
Supplemental package – 8 pages.

SUMMARY OF TESTIMONY AND EVIDENCE

Amy SantaMaria, the Applicant's attorney, provided an overview of the application.

Joseph Fay, the owner's representative then testified to explain the project. The property is located at 319 Marne Avenue. It is in the middle of a block. The current structure is a two-story single-family residence with a one-story portion to the rear which is L-shaped. The proposal is to close off or "square off" the rear of the structure and add a second floor on a portion of that rear projection. The second-floor addition will not cover the long leg of the L-shaped structure in the rear. The reason for squaring off the building in the rear is to create room for steps and an alternative location for entrance into the house. Currently, there is access through the front porch and a side door but the side door is typically blocked by vehicles parked in the driveway. The existing structure, the way it is placed on the property violates the existing side yard setback as well as building coverage and impervious coverage.

There was considerable discussion among Board members as to whether any efforts could be made to limit or even reduce the impervious coverage. After discussing the plan and various alternatives, the Applicant did acknowledge that they could probably shave off a portion of the driveway thereby holding the impervious coverage to the existing 54% rather than increasing.

No members 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. It is to be noted that the property is undersized and is narrow for the zone. The existing structure violates the side yard setback requirements and therefore no development could take place without a variance. In this case, to remove the existing structure and build a fully conforming structure would result in a very narrow home which would be inconsistent with the neighborhood scheme. Thus Applicant is entitled to relief with regard to the addition.

3. 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 the Zoning Ordinance. Here it is determined that the Applicant has also satisfied the requirements for a (c)(2) variance. In its current configuration one of the main means of ingress and egress is through a side door which is usually blocked by a parked vehicle. Squaring off the rear of the building and creating a new entry way would improve the safety of the structure by allowing more accessible ingress and egress.

The Board finds that the granting of this variance does not impair the intent and purposes of the zoning plan much less substantially impair the intent and purpose of the zoning plan.

4. While the Board acknowledges the merits of the plan to square off the building the Board did not believe that Applicant had established a sufficient hardship or any sufficient benefit that warrants increasing the amount of impervious coverage. The Board believes and determines that Applicant could maintain the current level of impervious coverage by removing some extraneous paving thereby compensating for the new construction. Accordingly, the Board declined to grant any variance relief as to impervious coverage.

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

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

7. 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 in part and denied in part, 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.
3. While Applicant is permitted to expand the building footprint, Applicant must maintain the current level of total impervious coverage and nothing herein shall be construed as authority to increase the existing impervious coverage.

Motion by: Burns; seconded by Sweet

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

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 February 18, 2020, memorializing action taken by the Zoning Board on January 21, 2020.

Tavis A. Karrow, Board Secretary