

**A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF
HADDONFIELD GRANTING VARIANCE APPROVAL TO
JUSTIN AND DANIELLE CAPOZZI
ZBA #2019-04**

A public hearing on this matter was conducted by the Board on March 19, 2019

APPLICATION NUMBER: ZBA#2019-04

PROPERTY ADDRESS: 365 Station Avenue
Block 79, Lot 9 on the Tax Map

NAME OF APPLICANT: Justin and Danielle Capozzi

OWNER OF PROPERTY: Justin and Danielle Capozzi

DATE OF HEARING: March 19, 2019

BOARD MEMBERS PRESENT
AND VOTING: Kevin Burns
Susan Baltake
Wayne Partenheimer
Brian Mulholland
Colleen Bianco-Bezich (Alternate III)
Steve Sweet (Alternate IV)

APPEARANCES: Justin Capozzi, Applicant
Mark Barone, Applicant's Architect
Greg Sullivan, Borough Engineer
Tavis A. Karrow, Zoning Officer & Board Secretary
Francis X. Ryan, Esquire, Board Solicitor

PROPERTY DESCRIPTION

ZONING DISTRICT: R-3

LOT DIMENSIONS: 100' x 140'

LOT AREA: 14,000 square feet

STREET FRONTAGE: 100'

STRUCTURES LOCATED
ON LOT:

Single family residence with detached garage

DEVELOPMENT PROPOSAL

1. Removal of existing breezeway and construction of attached garage with second floor living space.

RELIEF/VARIANCE REQUESTED

1. A variance from Section 135-28(D)(4)(b) which limits total impervious coverage to 28% and 31.5% is proposed (and 32.9% is existing).

2. A variance from Section 135-28(D)(2)(d) which requires a minimum rear yard setback of 45' and 27.3' is proposed (and existing).

3. A variance from Section 135-28(D)(2)(b) which requires a minimum single side yard setback of 18' and 4.9' is proposed (and existing).

4. A variance from Section 135-28(D)(2)(c) which requires combined side yards of 40' and 20.8' is proposed (and existing).

SUBMISSIONS

Application and supporting documents.

A-1 Survey

A-2 Plot plan, floor plans and elevations

SUMMARY OF TESTIMONY AND EVIDENCE

The Applicant testified and gave a brief overview of the project and introduced his Architect for a more detailed explanation. Basically, the plan is to remove the existing breezeway between the house and garage and construct a two-story addition connecting the house and the garage. Architecturally, addition will match the existing home in terms of both design and also materials used. It was also noted that as part of the redevelopment of the lot a portion of the large rear patio in the rear was being removed together with the concrete pad behind the garage and a paved area on the right side of the property. These will all reduce total impervious coverage but the new addition will add to impervious coverage. The net effect is a reduction of approximately 200 square feet which will bring the property to 31.5% coverage rather than the required 28% but less than the existing 32.9%. The Architect also pointed out the fact that the current home sits some 67' from the front property line. As a

result, there is a long driveway to get to the garage. If the house was closer to the front property line (as permitted) the driveway would necessarily be shorter and there would be less impervious coverage. The Architect was conscious of the impervious coverage through the redesign and tried to eliminate any excess coverage wherever possible.

No member of the public spoke in connection with the application.

FINDINGS OF FACT AND CONCLUSIONS

1. The subject property is located in the R-3 Residential Zone.
2. The variances requested do not include any increase in the existing non-conformity in terms of reducing the existing side yard setback violations and does minimally decrease the impervious coverage.
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 location of the existing home upon the lot does create an extraordinary and exceptional situation uniquely affecting this specific piece of property. Moreover, the fact that the property is already in violation of setback requirements would preclude any future development whatsoever upon the lot. To prohibit all future development would be an undue hardship.
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 the Zoning Ordinance. In this case, by removing some existing impervious coverage the Applicant's design will result in a net reduction in impervious coverage. Although the amount of same may be de minimis, it is a benefit, nonetheless. Moreover, the proposed new addition, since it will take the place of an existing breezeway should not dramatically increase the bulk of the property.
5. The granting of the 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, 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: Partenheimer; seconded by Mulholland

Board members voting to grant the requested variance: Burns, Baltake, Mulholland, Partenheimer, Bianco-Bezich and Sweet

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 April 16, 2019, memorializing action taken by the Zoning Board on March 19, 2019.

Tavis A. Karrow, Board Secretary