

**A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF
HADDONFIELD GRANTING VARIANCE APPROVAL TO
BULL INVESTMENTS LLC
ZBA #2019-02**

A public hearing on this matter was conducted by the Board on May 21, 2019

APPLICATION NUMBER: ZBA#2019-02

PROPERTY ADDRESS: 325 Marne Avenue
Block 10.01, Lot 9.10 on the Tax Map

NAME OF APPLICANT: Mark Scarpa, Jr.

OWNER OF PROPERTY: Bull Investments, LLC

DATE OF HEARING: May 21, 2019

BOARD MEMBERS PRESENT
AND VOTING: Linda Kuritzkes, Chairperson
Kevin Burns, Vice-Chair
Susan Baltake
Wayne Partenheimer
Brian Mulholland
Bryan Pukenas
Colleen Bianco-Bezich (Alternate I)

ALSO PRESENT: Steve Sweet (Alternate II)

APPEARANCES: Warren Carr, Attorney for Applicant
Daniel Armstrong, 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 121.93/123.53 (irregular)

LOT AREA: 4,906.75 square feet

STREET FRONTAGE: 40'

STRUCTURES LOCATED
ON LOT: Two story residence.

DEVELOPMENT PROPOSAL

1. Rehabilitation and renovation of existing structure together with addition on rear of structure.

RELIEF/VARIANCE REQUESTED

1. A variance from Section 135-86 (B) (1) which requires two off street parking spaces and only one is proposed (and existing).

SUBMISSIONS

Application and supporting documents.

Submission package including photographs, plans and elevations

SUMMARY OF TESTIMONY AND EVIDENCE

Warren Carr, the Applicant's attorney, provided an overview of the application. The existing structure had fallen into disrepair and the Applicant acquired same with the plan to renovate the existing structure and add on to it.

Daniel Armstrong, the Builder for the project then testified. He indicated that he is involved in the development of a number of properties in town and has studied various homes in various sections to get a sense of the neighborhood. He notes that in this particular project there is approximately nine (9) feet between the buildings and the property line. There is no way to comply with the off-street parking requirements with the building as currently configured. In order to meet the parking requirement one would have to tear down the existing home and rebuild it in conformance with all bulk and area requirements but such would result in a very narrow house which would not blend in with the neighborhood. The property currently has an area designated for parking which consists of two (2) concrete strips with grass in between. His preference is to continue that parking space rather than fill it in with concrete or other impervious material. He also testified that the current home has three (3) bedrooms and a "bonus" space and the new structure will include the same although on the plan the bonus space is a designated as a fourth bedroom. In any event, whether it is three (3) or four (4) bedrooms, the parking requirements are the same. He also

indicated that during the course of his investigation around town, he stopped counting when he reached 300 lots that did not have the required number of parking spaces.

Rita Moreno of 320 Marne Avenue (across the street) appeared and testified. She indicated that the former occupants of the home in question were an older couple who only had one car. That was a good situation because there was room for one car to park off the street. Her concern is that purchasers of the newly renovated home will have two cars which will generate the need for on-street parking. She is concerned because the on-street parking situation is already difficult and there have been a number of incidents in which neighbors have backed into other neighbors' cars. She suggested that perhaps the porch could be reduced in size in order to accommodate a second vehicle. Upon further discussion, it was determined that such was not a viable alternative. Members of the Board pointed out that no overnight parking is permitted on that street and that any new occupant would need to obtain a parking permit. It was also noted that even if no renovation to the property took place, it is possible that a new property owner would have more than one car and would generate the same problems or concerns raised by Ms. Moreno.

Robert Ratti of 329 Marne Avenue (the next-door neighbor) also testified. He indicated that he and his wife Barbara had lived in their home for more than 20 years. The owners of the property in question died in 2018 and their children sold the house last August. He expressed his frustrations with the fact that demolition commenced and then was halted for an extended period. As a result, the property was in a state of significant disrepair over the holiday season. He also noted that he had had to report the builder for an illegal sign on the property because it exceeded six (6) square feet in area. He did acknowledge that the proposed building will look better than what was there before the construction started.

The Applicant was then questioned concerning the height of his building. He indicated that the average height of the houses on the block was 33 feet and he was proposing a 35-foot height.

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 exceptionally 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. It is to be noted that there are many properties in town that lack proper parking spaces as required by the Ordinance and thus the condition is not inconsistent with existing conditions in the neighborhood.

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. The requested relief pertains to the specific property and it would advance the purposes of the MLUL because it continues the use of a parking strip rather than a paved over parking space which would increase the impervious coverage. Granting of this variance does not impair the intent and purpose of the zoning plan much less substantially impair the intent and purpose of the zoning plan.

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

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. 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: Baltake; seconded by Kuritzkes

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

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 June 18, 2019, memorializing action taken by the Zoning Board on May 21, 2019.

Tavis A. Karrow, Board Secretary