

**RESOLUTION OF THE JOINT LAND USE BOARD OF THE BOROUGH OF BELLMAWR,
MEMORIALIZING FRONT SETBACK AND SIDE YARD VARIANCES FOR TRACY A. RICHARDS
FOR 337 ROBERTS AVENUE, BLOCK 136.02, LOT 45**

WHEREAS on May 6, 2024 at the regular meeting of the Bellmawr Joint Land Use Board consideration was given to an application filed by Tracy A. Richards for property located at the above address in the Borough of Bellmawr.

WHEREAS the applicant appeared and testified on behalf of the application, and the Board heard testimony from Nicholas Bishop, board engineer, and no public appeared and testified, and the Board having received documentation submitted with the application during the hearing. Now therefore, the Board makes the following factual findings and conditionally approving the subject application for front and side yard set-back variance:

1. The application has been properly noticed and applied for, and all conditions present to the Board's jurisdiction have been satisfied.

2. The Board had before it the following items:

- Borough of Bellmawr land development application.
- Joint Land Use Board agreement to pay the professional fees.
- Request for tax collector clearance.
- Application checklist.
- Form of public notice.
- Survey by surveyor Walter H. McNamara and Associates Incorporated, with the attached legal description.
- Annotated survey demonstrating applicant's proposal for a proposed porch across the 20-foot width of the home at 5 foot of depth, together with steps descending there from the length of 3 feet.
- Applicant's sketch of the proposed dwelling.
- Applicant's photograph depicting the appearance of the proposed porch.
- Photograph of the house as existing.
- A set of a photographs submitted with the application.
- Engineer Report of April 26, 2024

3. According to the Engineers report, the existing use is continuing and the applicable bulk standards are as follows:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Conforms</u>
Min Lot Size (SF)	6,000	6,250	6,250	Yes
Min Lot Width (Ft)	60	50*	50*	No
Min Lot Depth (Ft)	100	125	125	Yes
Min Setbacks (Ft)				
Front	25	24.53*	16.53**	No
Side	5	4.62*	4.62**	No
Side Aggregate	15	17.65	17.65	Yes
Rear	30	>30	>30	Yes
Lot Coverage (%)	30	23	27	Yes
Max Bldg. Ht. (Ft)	35	<35	<35	Yes
Accessory Structures				

Min. Setback (Ft)				
Side (Ft) (Garage)	3	3.66	3.66	Yes
Rear (Ft) (Garage)	3	3.5	3.5	Yes
Side (Ft) (Shed)	3	2.03*	2.03*	No
Rear (Ft) (Shed)	3	3.68	3.68	Yes
Garage Height (Ft)	12	<12	<12	Yes
Garage Area (SF)	16x24 (384)	19x25±* (475±)	19x25±* (475±)	No

* Existing nonconformity not exacerbated

**Existing nonconformity increase requiring variances approved Monday

4. At the hearing, the applicant submitted 17 photographs, numbered A1 through 17. These photographs generally depict the applicant's neighborhood, and generally demonstrate that there is no consistent pattern of development regarding front setbacks within the adjacent community. It appeared that the photographs graphically depict a wide variety of front setbacks, both conforming and nonconforming, some far less conforming than the applicant's proposal. The applicant's proposal was to afford an ADA compliant exterior area covered from the elements in the aesthetics of which would benefit the entire community, not just the applicant.

The site setback is existing non-conforming but the porch with the existing side yard and hence requires a variance.

5. The applicant provided additional technical testimony that the flooring for the porch would be Trex, that the descending stairs would be over the existing stairs, and the railing would be vinyl. Gutters and downspouts would be directed onto applicant's driveway so as to continue the existing pattern of drainage.

6. The Board received and reviewed a review letter from the offices of Steven Bach, board engineer, dated 4/26/24 with which the applicant agreed to comply.

7. The Board engineer had no negative comments at the public hearing.

NOW, THEREFORE BE IT RESOLVED after considering the foregoing facts, the Board concludes that the application for LOT front setback and side yard setback variances have substantial merit and should be approved subject, however, to the following conditions.

1. The applicant must contact the Combined Land Use Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.
2. Approval of all appropriate reviewing agencies including without limitation, the MUA, County Planning Board, Traffic Commander, Fire Marshall, Soil Conservation District, Department of Transportation and Police Department, Water and Sewer Department. (If required).
3. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.
4. Compliance with the Board Engineer's report and comments at the public hearing.
5. Compliance with all representations made by the applicant at all public hearings.
6. Provision of a compliance plan (if required) depicting all original improvements with subsequent amendments identified by date of approval.
7. Posting of any required additional performance and maintenance bonding.
8. Compliance with the conditions of approval set forth in this resolution.

The Board further concludes that the applicant has satisfied the positive criteria; ADA compliance and improved aesthetics are both bases for awarding the variance under NJSA 40:55D-70(c)2. Absence of negative commentary from the Board engineer, absence of a consistent pattern of development, and absence of any public objection, all satisfy the Board that there is satisfaction of the negative criteria, and specifically, no substantial impairment of the intent and purpose of the zoning ordinance, the master plan, and no substantial detriment to the public good.

Those Eligible to Vote

Those in Favor

Those Opposed

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Kenneth Murray ✓
Emil Andrae ✓
Joshua Haas
Mark De Berardinis ✓
John Scarborough ✓
Raymond Staszak ✓
Craig Wilhelm

ATTEST:



MARK De BERARDINIS, SECRETARY

BOROUGH OF BELLMAWR
THE JOINT LAND USE BOARD:



KENNETH MURRAY, CHAIRMAN

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Borough of Bellmawr Joint Land Use Board at a meeting held on the 3rd day of June, 2024.



MARK De BERARDINIS, SECRETARY