

BOROUGH OF BELLMAWR JOINT LAND USE BOARD

**RESOLUTION NO. 2025-5
GRANTING BULK VARIANCE(S) OF
MINIMUM FRONT YARD SETBACK AND
MAXIMUM TWO-CAR GARAGE SIZE
FOR THE PROPERTY LOCATED AT
335 MAJESTIC AVENUE
BLOCK 136, LOT 8**

At a duly noticed meeting of the Borough of Bellmawr Joint Land Use Board, held in person on February 3, 2025, at 7:00 P.M., the Board Secretary confirmed a quorum of the Board was present to vote on the application of Leonard Burkhardt and Susan Burkhardt, for minimum front yard setback and maximum two-car garage size, both bulk variances, as described more fully below; and

Also present on behalf of the Board were:

Tina Johnson, Board Recording Secretary
Daniel J. McCann, Esq., Board Solicitor
Steven M. Bach, PE, RA, PP, CME, Board Planner & Engineer
Nicholas Bishop, PE, CME, Board Engineer; and

WHEREAS, the Board considered the application of Leonard Burkhardt and Susan Burkhardt (the “Applicant”), owner of the subject property known as 335 Majestic Avenue, and designated as Plate 22, Block 136, Lot 8, on the Borough of Bellmawr Tax Map (the “Property”); and

WHEREAS, the Property is located in the Residential ‘A’ Zone District, hereinafter “A Zone”.

WHEREAS, on February 3, 2025, the Applicant was represented by counsel,

Robert A. Gleaner, Esq., of Robert A., Gleaner P.C.. At the hearing, Leonard Burkhardt served as fact witness, and Samuel J. Agresta, PE, PP, CME, testified as an expert witness on behalf of the application.

WHEREAS, the Applicant sought bulk variance(s) of Minimum Front Yard Setback, as cited in Borough Ordinance Section 260-15.E; and, Maximum Two-Car Garage Size, as cited in Borough Ordinance 260-15.J.

WHEREAS, the Applicant sought said variance relief to increase their garage square footage to accommodate more space for their woodworking hobby.

WHEREAS, the Board, after considering the testimony of the Applicant and their expert, and having reviewed the application and attachments submitted by the Applicant's Attorney and Engineer, and having opened the matter up to public comment, made the following findings of fact and conclusions of law:

1. The Application was filed and processed in accordance with the requirements of the Municipal Land Use Law (MLUL).
2. The Applicant is the owner of the Property.
3. The Property is located in the 'A Zone'.
4. The Board Engineer provided a detailed report on this application, dated January 28, 2025, hereinafter referred to as the "Engineer Report". The Engineer Report highlighted the Applicant's property has a pre-existing non-conforming minimum front yard setback; whereby, the Applicant's property has a front yard setback of 19.2 feet where 25 feet is the minimum front yard setback permitted by Borough Ordinance as cited above. Additionally, the Engineer Report

specified the Applicant is proposing a two-car garage size of 920 square feet where 720 square feet is the maximum size permitted.

5. The Applicant and their expert were sworn in and gave detailed testimony supporting merits for relief. The Applicant stated the request to expand their garage is to accommodate space for their woodworking hobby.

6. The Applicant's Engineer displayed two exhibits during their testimony, "Exhibit A1" was a map of the proposed addition, "Exhibit A2" was the rendering of the proposed addition to the garage. The Applicant's Engineer stated the height of the current garage is 12 feet and that the height will not be increased with the addition.

7. The Board asked the Applicant about the existing utilities in the garage. The Applicant stated there is just electricity available in the garage. The Applicant stated there was no water or sewer in the garage. The Applicant stated the requested relief before this Board does not include any additional utilities to be added to the garage. The Applicant agreed that if there are any changes of utilities at the garage that the Applicant must come back before the Board for said requested relief.

8. The Applicant agreed to comply with all requests made in the Engineer Report.

9. The Board Engineers were sworn in and discussed on the record that they had no objections to the request by the Applicant. The Board Engineers stated all points raised in their letter were addressed by the Applicant.

10. The meeting was opened to the public and no public comment was made.

11. The Board found the testimony of Applicant and their expert was credible and compelling.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Bellmawr Joint Land Use Board that the application of Leonard Burkhardt and Susan Burkhardt seeking bulk variances of minimum front yard setback and maximum two-car garage size be hereby GRANTED:

The Board concludes to grant the requests by the Applicant. The Board finds the Applicant satisfied the burden of proof to warrant the approval based upon all of the evidence marked into the record during the course of the hearings and for all of the reasons put on the record by the Applicant and their experts.

This grant of approval is also conditioned as follows: (1) the Applicant must satisfy all the requests and comments in the Engineer Report, (2) must obtain all applicable permits and approvals from all applicable State and local officials and agencies, including but not limited to the Borough's Construction Official, Fire Marshal and Police Department, as the law requires; (3) the height of the garage will not exceed 12 feet; and, (4) aside from the existing electricity, no additional utilities will be added to the garage.


ROLL CALL VOTE

Motion was made and seconded to approve the request sought by Applicant. On the Motion to approve, the Board voted to grant the approval as follows:

	Yes	No
Joshua C. Haas (Chair)	X	
Mark DeBerardinis	X	
John Scarborough	X	
Ray Staszak	X	
Emil Andrae	X	
Phil Mullen	X	
Bob Bauman	X	
Mayor Charles Sauter	X	
Councilman Craig Wilhelm	X	

The foregoing is a true copy of the Resolution adopted by the Borough of Bellmawr Joint Land Use Board at a duly noticed meeting on March 3, 2025, memorializing the action of the Board taken at its meeting on February 4, 2025.

Dated: March 4, 2025



Joshua Haas, Chairman

Dated: March 4, 2025



Mark DeBernardinis, Secretary