

BOROUGH OF BELLMAWR JOINT LAND USE BOARD

RESOLUTION NO. 2025-7

**GRANTING USE VARIANCE
FOR THE PROPERTY LOCATED AT
1022 W. BROWNING ROAD
BLOCK 25, LOT 6**

At a duly noticed meeting of the Borough of Bellmawr Joint Land Use Board, held in person on March 3, 2025, at 7:00 P.M., the Board Secretary confirmed a quorum of the Board was present to vote on the application of Brenda Fernandez, whose address is 110 Zinnia Way, Sewell, New Jersey 08080. The property at issue is known as 1022 W. Browning Road, Block 25, Lot 6, in the Borough of Bellmawr, New Jersey (hereinafter, the "Property"). The request for the Board's consideration was a use variance at the Property as described more fully below; and

Also present on behalf of the Board were:

Tina Johnson, Board Secretary
Daniel J. McCann, Esq., Board Solicitor
Nicholas Bishop, PE, CME, Board Engineer; and

WHEREAS, the Board considered the application of Brenda Fernandez, whose address is 110 Zinnia Way, Sewell, New Jersey (the "Applicant").

WHEREAS, the owner of the Property is Fernandez Real Estate 2, LLC, 110 Zinnia Way, Sewell, New Jersey 08080.

WHEREAS, the Applicant is for a Use Variance to permit an apartment on the first floor of an existing mixed use building. The Property is a 7,746.75 square foot parcel and contains an

existing two story building with a detached garage. The building was previously mixed use with a professional office on the first floor and an apartment on the second floor. The Applicant is proposing to make the first floor office into a residential apartment.

WHEREAS, in addition to relief from Borough Code, Use Variance Section 260-11, whereby the Applicant is proposing a duplex which would create a “multi-family” condition where multi-family units are not permitted in the zone the property is located; the Applicant will require relief from Borough Code Section 260-15.B, as Applicant’s lot width of fifty-five feet where a sixty foot width is required.

WHEREAS, the Applicant submitted their application on January 23, 2025.

WHEREAS, the Board’s Engineer provided a detailed report dated February 21, 2025, (hereinafter, the “Engineer Report”).

WHEREAS, on March 3, 2025, the Applicant was represented by counsel, Joseph C. Stringfellow, Esq., and the Applicant served as a fact witness. The Applicant did not have a professional expert to provide testimony.

WHEREAS, the Applicant was sworn in and provided testimony establishing that the Board’s approval of the variances was contingent upon the following conditions, in addition to those stated below, by which the Applicant agreed to fully comply with: (1) Applicant must submit a parking plan as a condition of approval which is to be approved in writing by Board Engineer; (2) Applicant must submit an exterior lighting plan as a condition of approval which is to be approved in writing by Board Engineer; (3) Applicant must submit a trash enclosure plan which is to be approved in writing by Board Engineer; (4) Applicant will not be permitted to move the garage and it will be dedicated to one of the units for exclusive use; and (5) Applicant

must improve the poor condition of the driveway with prior written approval of plan by Board Engineer.

WHEREAS, the Board, after considering the testimony of the Applicant, and having reviewed the application and attachments submitted by the Applicant's Attorney 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 was sworn in and gave detailed testimony supporting merits for relief.

3. The Board asked the following questions: (1) Will the parking spots be dedicated to individual units: the Applicant confirmed the spots would be dedicated to individual units; (2) Is there on street parking: the Applicant testified there was; (3) Will there be lighting for the walkways and parking lot: the Applicant testified there will be additional lighting installed in the parking lot and walkways; (4) Will the parking be stacked: the Applicant testified the parking will not be stacked; (5) Will the garage have additional uses: the Applicant testified the garage will not be moved and it will be dedicated to one individual unit only; (6) Will the trash be enclosed: the Applicant testified the trash will be enclosed; (7) Will the driveway be improved as it is in poor condition: the Applicant testified the driveway will be improved; and (8) Will there be separate exterior access to the second floor unit: the Applicant testified there will be a separate exterior access.

5. The Board's Engineers were sworn in and discussed their Engineer Report.

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

7. The Board Engineer 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.

8. The Applicant agreed to the following in consideration of Board approval: (1) Applicant must submit a parking plan as a condition of approval which is to be approved in writing by Board Engineer; (2) Applicant must submit an exterior lighting plan as a condition of approval which is to be approved in writing by Board Engineer; (3) Applicant must submit a trash enclosure plan which is to be approved in writing by Board Engineer; (4) Applicant will not be permitted to move the garage and it will be dedicated to one of the units for exclusive use; (5) Applicant must improve the poor condition of the driveway with prior written approval of plan by Board Engineer; and (6) Applicant provide a new curb cut for the driveway.

9. The meeting was opened to the public. John Coch of 1011 West Browning was sworn in by the Board Solicitor. John Coch testified that parking in the area of the Property was a major concern, that neighbors were limited to on street parking and his concern was if additional residential units are granted by the Board that it will further limit parking options in the area. John Coch stated the Property as issue does not have any off street parking.

10. In response to the public comment, the Board requested the Applicant provide a new curb cut for the driveway as a condition of approval for which the Applicant agreed.

10. The Board found the testimony of Applicant testimony was credible and compelling.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Bellmawr Joint Land Use Board that the application of Brenda Fernandez, seeking Use Variance and Bulk Variance, 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.

This grant of approval is also conditioned as follows: (1) Applicant must submit a parking plan as a condition of approval which is to be approved in writing by Board Engineer; (2) Applicant must submit an exterior lighting plan as a condition of approval which is to be approved in writing by Board Engineer; (3) Applicant must submit a trash enclosure plan which is to be approved in writing by Board Engineer; (4) Applicant will not be permitted to move the garage and it will be dedicated to one of the units for exclusive use; (5) Applicant must improve the poor condition of the driveway with prior written approval of plan by Board Engineer; (6) Applicant provide a new curb cut for the driveway; (7) the Applicant must satisfy all the requests and comments in the Engineer Report, and (8) 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.

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 DeBernardinis	X	
Ray Staszak	X	
Emil Andrae	X	
Phil Mullen	X	
Harry Corcoran	X	
Bob Bauman	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 April 7, 2025, memorializing the action of the Board taken at its meeting on March 3, 2025.

Dated: April 7, 2025



Joshua Haas, Chairman

Dated: April 7, 2025



Mark DeBernardinis, Secretary