

**RESOLUTION OF THE COMBINED LAND USE BOARD OF BELLMAWR DENYING
USE VARIANCE, MINOR SUBDIVISION AND BULK VARIANCE APPROVAL FOR
DNA ESTATES GROUP, LLC,
3 HENDRICKSON AVENUE, BLOCK 88, LOT 4,
RESOLUTION NO. 03-2022**

WHEREAS, on May 2, 2022 consideration was given to the applicant in the above-captioned application for various items of relief during public hearings conducted in person; and

WHEREAS, the relief sought was for a use variance, minor subdivision and bulk variance approval together with any other required relief.

WHEREAS, the applicant was represented by Laura M. D'Allesandro, Esquire and the Board heard testimony from Steven Bach, the Board Engineer and Planner, as well as Lisa Dijordono, Anne Gallagher and Lisa McGinley on behalf of the public and now therefore, the Board makes the following factual findings in denying the subject use variance, minor subdivision and bulk variance.

1. The application originally sought a use variance to construct a two-family dwelling on the property pursuant to application filed on or about January 12, 2022.
2. The application was thereafter amended by cover letter dated February 10, 2022 to seek minor subdivision approval and bulk variance approval in addition to the use variance approval all with a view towards constructing a two single family attached dwellings on the subject property.
3. The Board had available to it the following exhibits many of which were the topic of substantial explanation by the Board Solicitor and Board Planner:
 - Cover letter from Anthony Maltese, PE, PLS, PP, CME of Abington Engineering, LLC to Tina Johnson, Joint Land Use Board Secretary, dated March 8, 2022.
 - Plan entitled "Minor Subdivision and Plot Plan, 3 Hendrickson Avenue, Block 88, Lot 4, Borough of Bellmawr, Camden County, New Jersey" prepared by Abington Engineering, LLC, dated 11-30-21, revised to 3-2-22.

It shall be noted that this plan is not signed or sealed by a Professional Engineer.

- Plan entitled "Boundary Topographic Survey, Block 88, Lot 4, 3 Hendrickson Avenue, Borough of Bellmawr, Camden County, New Jersey" prepared by American Layout & Land Surveying, dated 7-1-21, revised to 12-1-21. It shall be noted that this survey is not signed or sealed by a Professional Land Surveyor.
- Cover letter from Anthony Maltese, PE, PLS, PP, CME of Abbington Engineering, LLC to Tina Johnson, Joint Land Use Board Secretary, dated March 8, 2022.
- Summary of Application prepared by Laura M. D'Allesandro, Esq.
- Borough of Bellmawr Site Plan Application, dated February 10, 2022.
- Plan entitled "Minor Subdivision and Plot Plan, 3 Hendrickson Avenue, Block 88, Lot 4, Borough of Bellmawr, Camden County, New Jersey" prepared by Abbington Engineering, LLC, dated 11-30-21, revised to 1-18-22.
- Architectural floor plans (set of 5 plans) entitled "Conceptual Plans, DNA Estates Group, LLC, 3 Hendrickson Avenue, Bellmawr NJ", prepared by ARCH Design Studios, dated 12-1-2021, no revision.
- Photos of property

4. The Board Engineer issued a report dated March 22, 2022.
5. The Board Engineer issued a report dated March 22, 2022.
6. The project site is a 10,120 square foot vacant lot located in the Burrow Resident A District.
7. The property surrounded to the North by Interstate Highway Route 295 to the East by duplex residential housing to the South by duplex residential housing and a Burger King restaurant to the West by New Jersey State Highway Route 168.
8. Only single-family homes are permitted in the zoning district and a use variance is required to permit multiple family duplex units.

9. The existing duplexes are grandfathered. Applicable bulk standards are as follows:

	<u>Required</u>	<u>Existing</u>	<u>Proposed Lot 4.01</u>	<u>Proposed Lot 4.02</u>	<u>Complies</u>
Min Lot Size (SF)	6,000	10,120	5,985.38*	4,134.62*	No
Min Lot Width (Ft)	60	92	103.56	37.59*	No
Min Lot Depth (Ft)	100	110	110	110	Yes
Max Lot Coverage (%)	30	N/A	18.4	26.6	Yes
Min Setbacks (Ft)					
Front	25	N/A	25	25	Yes
Side	5	N/A	0*	0*	No
Side, Aggregate	15	N/A	10.80*	17.59	No
Rear	30	N/A	30	30	Yes
Max Bldg Ht. (Ft)	35	N/A	<35	<35	Yes

*Variance Required

As set out above, four separate bulk variances are required in addition to the use variance. They are as follows:

1. Lot size pursuant to § 260-15.A. Both lots are undersized and the zoning requires 6,000 square feet and only 4,134.62 square feet and 5,986.38 square feet are proposed by way of a subdivision. The lot as existing is compliant prior to the subdivision. Two variances are required for lot size.
2. Lot width pursuant to § 260-15.B. The minimum lot width in the zone is 60 feet and a variance is required for Lot 4.02 which proposes only 37.59 feet. One variance is required for lot width.
3. Side yard setback pursuant to § 260-15F. The minimum side yard setback permitted in the zone is 5 feet whereas the applicant is proposing side yard setbacks of 0 feet for both lots. Therefore, two variances are required for side yard setback.
4. Aggregate side yard setback of § 260-F, a proposed aggregate side yard setback requires a minimum of 15 feet in the aggregate and lot 4.01 provides only for 10.60 of aggregate side yard and a variance is required for this.
10. The applicant Hendrickson failed to satisfy the positive and negative criteria for the use and bulk variances, which the Board denied. The minor subdivision could not be granted without those variances and hence the subdivision cannot be approved.

In sum, in addition to the use variance, there are six separate bulk variances required for this two-lot subdivision.

NOW, THEREFORE BE IT RESOLVED considering the foregoing facts, the Board concludes the applicant failed to carry their burdens of proof of the positive criteria on the use variance. Although unnecessary, the Board concluded the applicant failed to carry the burden of proof as to the positive criteria on the bulk variances as well.

Those Eligible to Vote	Those in Favor	Those Opposed
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Emil Andrae
Secretary Staszak
Chairman DiRenzo
Vice Chairman Murray
Mark DeBerardinis
Harry Corcoran

ATTEST:


RAY STASZAK, SECRETARY

BOROUGH OF BELLMAWR
COMBINED LAND USE BOARD:


DANIEL DiRENZO, CHAIRMAN

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Borough of Bellmawr Combined Land Use Board at a meeting held on the day of August 01, 2022.


RAY STASZAK, SECRETARY