

RESOLUTION: #2023-02

A RESOLUTION OF THE JOINT LAND USE BOARD OF BOROUGH BELLMAWR, CASE 2023-02, 163 SUNNYSIDE LANE IN BELLMAWR, BLOCK 81.04, LOT 22, REQUESTING VARIANCE RELIEF AND PERMISSION FOR EXPANSION OF THE DWELLING TO ALLOW FOR HABITATION BY A FAMILY MEMBER THAT WOULD NOT NEGATE THE ONGOING USE AS A SINGLE-FAMILY DWELLING.

WHEREAS, on February 6, 2023, a hearing was held on the application of Lisa Groves for variance relief as set out in the Planner's report (below).

WHEREAS, the Board reviewed the application and exhibits, including the application plans and photographs, and heard testimony from Deborah Eichmann, Lisa Groves and Greg LaVardera, Architect, for the application and no testimony from the public and having heard from Steven Bach, Board Engineer, and having reviewed a Legal Opinion from the Solicitor and additional comments at the hearing, the Board makes the following factual findings:

1. Appearing to testify were Deborah Eichmann, Lisa Groves, and Greg LaVardera.
2. Substantial testimony was provided by the applicant concerning the background and necessity of the subject application, which centered upon the deteriorating health of Deborah Eichmann, mother of Lisa Groves, owner and occupant of the subject property.
3. The applicant's proposal was that Ms. Eichmann, who is a widow, would be able to reside in the family dwelling with a modicum of privacy, but in such a way that her occupancy would be integral to the Groves family.
4. To that end, the December plans show that she would have a private bedroom and sitting area, but no kitchen, with direct entrances into the dwelling.
5. Originally, the August plan was for a larger configuration of nearly entirely new square footage.
6. The December plan was a more modest edition that used a substantial portion of the existing dwelling that was already "under roof" by way of the conversion of the existing garage.
7. There was an exterior exit that was referenced, but only for the purpose of minimizing stairs that would otherwise be required for egress from the main portion of this single-family dwelling.

8. Upon further discussion, it was agreed that a full regulation sidewalk from the side entrance to the driveway would be installed so as to allow Ms. Eichmann to avoid the stairs that she would have to use otherwise.
9. The Board Solicitor authored a legal opinion dated February 2, 2023. The Solicitor indicated in his comments that based upon the specific facts of the application and testimony in the case, the Board could consider that a use variance would not be necessary provided certain conditions of approval were stipulated, agreed to and complied with.
10. Based thereon, the Board finds the facts herein do not require a use variance. The Board engineer authored a report of January 26, 2023, which identified the variance relief, which was characterized as *de minimus*. (1) Bulk Variance – Lot Coverage and (2) Use Variance – Permitted Use. It was also noted that this is a generously sized lot, and that no drainage issues would be foreseeable therefrom provided that the down spouts are directed away from adjacent property lines, which was accepted as a condition of approval by the applicant.
11. The applicant also accepted as conditions of approval that there would be no cooking facilities, ranges, or stoves in the subject addition, and that there would be no separate utility meters for the addition.
12. Most importantly, the applicant accepted as a condition of approval a deed restriction that would provide notice to all future owners that the property could never be used as a multi-family dwelling, but rather only available for use and occupancy by members of the immediate family of the occupants of the property.
13. The applicant agreed to this condition as well and acknowledged the necessity of review and approval of the deed restriction by the Board solicitor and recordation of same as a condition of approval.

NOW, THEREFORE BE IT RESOLVED considering the foregoing facts the Board concludes the application for variances for bulk for subdivision and variances has substantial merit and shall be approved subject however to the following conditions:

1. Deed restriction providing notice of all conditions and subject to review and approval of the Board Solicitor.
2. Installation of sidewalk referred to in Provision 8.
3. Downspouts to drain away from side property lines.
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 depicting all original improvements with subsequent amendments identified by date of approval.
7. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.
8. Approval of all appropriate reviewing agencies including without limitation, the CCMUA, County Planning Board, Traffic Commander, Fire Marshall, Soil Conservation District, Department of Transportation and Police Department, Water and Sewer Department. (If required.)
9. The applicant must contact The Joint Land Use Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.

BE IT FURTHER RESOLVED that the application has satisfied the positive and negative criteria for the lot coverage variance from the testimony and exhibits provided there is full compliance with all conditions of approval. Those facts include the size of the lot based on the *de minimus* determination of the Board Engineer regarding the relief and the lack of any public comment.

BE IT FURTHER RESOLVED that the Board's factual findings in Paragraph 11 demonstrate satisfaction of the positive and negative criteria for the variance provided the conditions of approval are scrupulously observed. In such case, the use variance relief would not be required and is, therefore, not granted.

Those Eligible to Vote

Those in Favor

Those Opposed

All


None

Kenneth Murray
Emil Andrae
Joshua Haas
Harry Corcoran
Mark De Berardinis
Philip Mullen
Charles Sauter
John Scarborough
Raymond Staszak
Daniel DiRenzo
Craig Wilhelm

ATTEST:

BOROUGH OF BELLMAWR
THE JOINT LAND USE BOARD:


MARK De BERARDINIS, SECRETARY


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 6th day of March, 2023 .


MARK De BERARDINIS, SECRETARY