



ZONING BOARD OF ADJUSTMENT
Thursday, August 4, 2022
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairman Jonathan Rardin at 7:31 PM.

PLEDGE OF ALLEGIANCE: Led by Chairman Jonathan Rardin.

STATEMENT OF COMPLIANCE WITH THE SUNSHINE LAW

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., P.L. 2020, c.11, and/or N.J.A.C. 5:39-1, et seq., and due to the current State of Emergency and/or Public Health Emergency declared by Governor Phil Murphy, and in an effort to prevent further spread of COVID-19, notice of this remote meeting was posted on the Township bulletin board designed for that purpose, mailed to the official newspapers as provided by Township Ordinance, filed with the Municipal Clerk, and posted on Department of Community Development's webpage (<https://www.chnj.gov/117/Zoning-Board-of-Adjustment>) at least 48 hours prior to this meeting giving the time, date, location, and log-in/call-in information for this remote meeting, as well as the Zoning Board of Adjustment Secretary's contact information to assist anyone lacking the resources or ability to access this remote meeting.

ROLL CALL

- **Members in attendance:** Jonathan Rardin, Daniel DiRenzo, Jr.; Marshall Spevak; Chris Bruner; and Greg Bruno
- **Professionals in attendance:** Cosmas Diamantis, Esq., Secretary; Mara Wuebker, PP, AICP, Comm. Dev. Manager; Samuel Opal, Planning & Zoning Assistant; and Allen Zeller, Esq., Zoning Board Solicitor.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from July 21, 2022. Mr. Spevak made a motion, which was seconded by Mr. Bruner to adopt the Meeting Minutes from July 21, 2022. Affirmative votes by Rardin, DiRenzo, Spevak, Bruner and Bruno. Minutes are approved.

AGENDA ITEMS:

22-Z-0022

Block(s) 339.12 Lot(s) 16
Zone: Residential (R2)

Christopher Quinn
802 Brighton Road
Cherry Hill, NJ

Relief Requested: Bulk (C) Variances to permit an as-built 10' x 18' (180 SF) storage shed to remain within the side yard of the property that is closer than permitted to the property line.

Applicant's Representatives: Kristopher Berr, Esq. – Applicant's Attorney; and Christopher Quinn – Applicant.

Exhibits Submitted: A-1: Aerial Photo, A-2: Grading Plan, A-3: Photos, A-4 Photo, ZB-1

Mr. Berr introduces himself and his applicant. Mr. Berr describes the applicant's property and the surrounding neighborhood. Mr. Berr outlines applicant's history of applying for permits for work done on the property in the past. Mr. Berr outlines the two bulk (C) variances required for this application – i.e., a shed that is located in the side yard and is located closer to the property line than permitted under the Ordinance.

Mr. Zeller swears in the applicant, Christopher Quinn. Mr. Quinn explains that he uses the shed for storage of lawn equipment, bicycles, and pool equipment. Mr. Quinn explains that due to the grading of the property and the width of the yard, that placing the shed in its current location was the only option. Mr. Quinn explains that he worked with the professional to put in the shed, and believed that this location worked the best. It is located over a drainage system that was installed recently. His property used to flood during storm events and receives runoff from nearby properties. Ms. Wuebker shared exhibit A-3 which are site photos showcasing the shed from March of 2022. Mr. Quinn believes the shed improves the property and matches aesthetically with the applicant's home – it has same roof, same siding, and no lighting other than a small light at the back of the shed that turns on if someone walks by it.

The shed is 2' from the side property line (towards the back end of the shed) and 3 ½ feet from the side property line at the front of the shed. The driveway is 3 ½ feet from side property line at its closest point. Mr. Quinn claims he was unaware of setback requirements. Mr. Berr also asks about the applicant's other improvements to the property. Ms. Wuebker calls up a more recent aerial photo of the applicant's property that shows the installed pool, marked exhibit ZB-1. Mr. Berr begins to question the applicant about the shed location with the new pool that the applicant recently installed. Mr. Quinn believes that with the new pool improvements, the shed is unable to be moved to the area behind or to the side of the pool. Ms. Wuebker pulls up Exhibit A-2 Mr. Quinn begins to outline the grading of the property and also outlines the new landscaping that has been put into place with the new pool being installed. Mr. Berr states that there is a 7' grade difference between the rear property line and the house.

Mr. Zeller, asks Mr. Quinn if the shed could have fit in the yard before the pool was installed. Mr. Quinn explains that this shed would have been in the middle of the yard. At the time, his kids were playing soccer in the backyard. Mr. Quinn could have installed the shed without the need for a variance if he knew about the location and setback requirements. Mr. Zeller instructs the Board that this application cannot be considered under the C1 variance category because it's a self-created hardship, but the Board may analyze it under the C2 variance category analysis.

Mr. Berr explains how the application meets the positive and negative criteria. Mr. Quinn reviews the Net positive effect for the property and for the neighborhood. Mr. Quinn goes over several of the purposes of the municipal land use law – that it will promote a desirable visual environment and there is open space that has been created due to the shed location. The benefits of the shed in that location outweighs any detriment. Mr. Quinn begins to outline that this shed does not cause any substantial detriment to the property, the community, and the zoning ordinance. It's a unique situation because the applicant's side yard is the neighbor's rear yard so does not substantially impair the intent of the Zoning Ordinance. Mr. Berr once again believes that he has made his case for the positive criteria and his case against his the negative criteria.

Mr. DiRenzo questions whether there will be gutters on the shed and how the water will run off the shed. Ms. Wuebker pulls up exhibit A-3 and Mr. Quinn explains that drainage and water runoff is not any issue for him and none of his neighbors with the grading. The shed sits on top of the drainage system. Mr. Rardin asks for clarification about water puddling, which Mr. Quinn assures that there is none.

Mr. Bruno, explains his dismay for the applicant not having a survey of the property. Ms. Wuebker indicates there is a grading plan submitted that shows all the features. Mr. Bruno also asks for clarification on the size of the shed. After several various sizes being mentioned, Mr. Quinn advises it's 10 x 18. Mr. Berr provides a photo of the applicant's backyard with the new pool, which is now labeled A-4. Mr. Bruno also asks for clarity on the side yard setbacks for the applicants. Mr. Bruno, says that the applicant could have placed their shed in the other side yard.

Public Comment:

John Hemmingway residing at 201 Cambridge road is sworn in by solicitor Zeller. Mr. Hemmingway testifies on behalf of Mr. Quinn and believes that this shed is a great addition to the property and the neighborhood.

Dennis McGrath residing at 203 Cambridge road is sworn in by solicitor Zeller, Mr. McGrath also testifies on behalf of Mr. Quinn and believes that Mr. Quinn and his property have been a great addition to the neighborhood.

Mr. Bruner, Mr. DiRenzo, Mr. Bruno, and Mr. Spevak all make comments on the application and how they are in favor of the application. It looks like a garage and doesn't stand out as being out of place. While the location is his side yard, it is the neighbor's rear yard, who also has a shed in that vicinity. They recognize the grading issues in the backyard. Mr. Rardin also provides comments on the application.

Motion: Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. DiRenzo and seconded by Mr. Bruno, with affirmative votes by Rardin, DiRenzo, Spevak, Bruner and Bruno to approve the application. The motion is approved unanimously.

21-Z-0016

Block(s) 92.01 Lot(s) 5 & 6
Zone: Residential (R2)

Cherry Hill Food Pantry

910 Beechwood Avenue
Cherry Hill, NJ

Relief Requested: Preliminary & Final Major Site Plan and Lot Consolidation with Use d(1) and Bulk (C) Variances to permit the food pantry use and construct a thirty-nine (39) space porous pavement parking lot to service the Cherry Hill Food Pantry along with various site improvements.

ADJOURNED TO THE SEPTEMBER 1, 2022 ZONING BOARD MEETING

RESOLUTIONS:

22-Z-0017

Block(s) 382.01 Lot(s) 36
Zone: Residential (R2)

Eamon Hall


133 Grant Avenue
Cherry Hill, NJ

Relief Requested: Bulk (C) Variance to construct a 15' x 22' two-story addition in the rear yard requiring side yard setback relief. The applicant also proposes the construction of a rear deck and walkway around the side and rear of the residence, while the existing shed, patios, hot tub, and internal vinyl fencing will be removed.

Motion to Ratify: Following the review of the resolution, Mr. DiRenzo made a motion, which was seconded by Mr. Spevak to memorialize the resolution. Affirmative votes by Rardin, DiRenzo, Spevak, Bruner, Bruno, and Pejavara. The resolution is memorialized.

Meeting Adjourned: at 8:38PM.

ADOPTED: 8/18/22



JONATHAN RARDIN, CHAIRMAN

ATTEST:



COSMAS DIAMANTIS, ESQ., SECRETARY