

**HADDON HEIGHTS BOROUGH LAND USE BOARD
RESOLUTION NO.: 24-4-2P
APPROVING THE APPLICATION OF ANDREW TEGELER FOR A MAX LOT
COVERAGE, FRONT YARD SETBACK, SIDE YARD SETBACK AND AGGREGATE
SIDE YARD SETBACK VARIANCE AT THE PROPERTY LOCATED AT 318 CREST
AVENUE
BLOCK 13, LOT 9.01
HADDON HEIGHTS, NEW JERSEY**

WHEREAS, Andrew Tegeler (the “Applicant”) filed an application (Application #24-4-2P) for max lot coverage, front yard setback, side yard setback and aggregate side yard setback variance approval to construct a 600 +/- sf one (1) story addition to an existing 1 ½ story dwelling and a front porch, at the property located at Block 13, Lot 9.01 on the tax maps of the Borough of Haddon Heights, also known as 318 Crest Avenue, Haddon Heights, New Jersey 08035 (the “Property”); and

WHEREAS, Dominic Fahey, Esq., the Applicant’s attorney and Curt Tegeler, the Applicant’s father appeared at the April 18, 2024, regular meeting of the Haddon Heights Land Use Board; and

WHEREAS, the Applicant duly presented appropriate proof of service and service of notice to neighboring property owners and publication in the Retrospect; so that the Board had proper jurisdiction for hearing the application; and

WHEREAS, Mr. Tegeler was duly sworn; and

WHEREAS, Mr. Fahey explained the application. The Applicant was unable to attend the hearing. Mr. Tegeler attended in his place with a power of attorney. He is familiar with the Property. The Applicant wishes to construct a 600 +/- sf one story addition off the back of the existing 1 ½-story dwelling. The Applicant also wishes to remove the existing concrete step and landing at the front of the Property and build a front porch. The Property is

undersized and has a number of pre-existing nonconforming conditions including the lot size, side yard setback, and aggregate side yard setback. The proposed development does not increase the side yard setback or side yard aggregate setback but follows the existing lines. The proposed porch is consistent with other properties in the neighborhood, including two houses a few doors down. The same architect was retained to construct the porch for the Applicant; and

WHEREAS, Mr. Tegeler stated that any additions will be consistent with the character of the neighborhood and that other neighboring properties have similarly situated additions; and

WHEREAS, Steven M. Bach, PE, RA, PP, CME, of Bach Associates, PC, the Board's Professional Engineer and Planner reviewed his report dated April 12, 2024 with the Board; and

WHEREAS, Mr. Bach advised that although the Applicant is proposing an increase of 3% over the maximum permitted impervious coverage, it is a de minimis amount and will not warrant an on-site infiltration system although he recommends a rain barrel or a similar storage unit to capture storm water; and

WHEREAS, Mr. Bach confirmed a grading plan was required; and

WHEREAS, the Board reviewed the following documents in connection with the

Application:

- Borough of Haddon Heights Planning Board Application, dated March 13, 2024.
- Borough of Haddon Heights Application for Zoning/Land Use.
- Borough of Haddon Heights Planning Board Application for Bulk Variance.
- Architectural Elevations (3 sheets), no title block.
- Proposed Site Plan, no professional title block or professional endorsement.

- Survey entitled "Survey of Premises, No. 318 Crest Avenue, Borough of Haddon Heights, Camden Co. New Jersey" prepared by Walter H. Macnamara Assoc., Inc., dated 2-12-24, no revision.

WHEREAS, no one from the public appeared in favor of or against the application; and
WHEREAS, after carefully considering the application and hearing testimony, the Board made the following findings of fact and conclusions of law:

1. The Property is located in R-3 Residential Zone.
2. The application requires the following variances: (1) Section §450-32.B, lot coverage, where the applicant is proposing a lot coverage of 33%, whereas the maximum permitted lot coverage is 30%; (2) Section §450-32.C, front yard setback, where the applicant is proposing a front yard setback of 28.28 feet, whereas the minimum front yard setback required is 30 feet; (3) Section §450-32.D, side yard setback, the applicant is proposing a side yard setback of 4.86 feet, whereas the minimum side yard setback required is 8 feet; and (4) Section §450-32.D, aggregate side yard setback, where the applicant is proposing an aggregate side yard setback of 14.42 feet, whereas the minimum aggregate side yard setback required is 20 feet.
3. It should be noted that the Property has the following pre-existing nonconforming conditions: (1) Section § 450-36.A, lot size, where the applicant has provided a lot area of 7,500 square feet, whereas the minimum lot area permitted is 8,700 square feet.
4. For a C(1) variance, the Applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property, or the structures lawfully

existing upon the property.

5. For a C (2) variance, the Applicant must show that the proposed variance advances the purposes of municipal land use law and that the benefits of the deviation would substantially outweigh any detriments. The Applicant must demonstrate that the proposed variance will not substantially impair the intent of the Master Plan or zoning plan and that there are no potential impacts to the public good.

6. The Board concludes that by reason of the fact that the lot in question has pre-existing nonconformities, including the lot size, side yard setback, and aggregate side yard setback, strict application of the zoning requirements would create a hardship to the Applicant. Specifically, the Applicant has established a hardship caused by the existing lot area in that the lot is undersized. The proposed front porch and addition in the rear of the Property will not encroach further on the existing side yard setback. Further, the variances requested do not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Haddon Heights and are not substantially detrimental to the public good. The proposed improvements to the Property are consistent with the neighborhood characteristics and aesthetics. The same contractor will be used that has worked on other properties in the area. The proposed porch and addition will make the home comparable to other homes in the neighborhood, as they are similar in character and size.

WHEREAS, the Board carefully considered the application as presented, including the reasons stated for the relief as described above; and

WHEREAS, the Board carefully considered the grant of the variances pursuant to N.J.S.A. 40:55D-70(c) and Haddon Heights Ordinance Chapter 450.

WHEREAS, the Board determined that the grant of such variances could be accomplished without substantial detriment to the public good; the benefits of the deviation would substantially outweigh any detriment and the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinances;

NOW THEREFORE BE IT RESOLVED by the members of the Haddon Heights Borough Planning and Zoning Board, County of Camden, and State of New Jersey that the application filed by the Applicant seeking to construct a 600 sf one-story addition to the rear of the Property and a front porch necessitating bulk c variance approval is hereby granted in accordance with the plans, design and detail submitted by the Applicant, subject to the following conditions:

1. The Applicant shall submit a grading plan.
2. The Applicant shall direct any proposed downspouts not directed to a rain barrel or underground storage unit away from adjacent side yard properties so as to not negatively impact these properties with storm water from the proposed roof.
3. The Applicant shall obtain the approvals of all other necessary governmental agencies having appropriate jurisdiction.
4. The Applicant shall make prompt payment of all escrows and application fees prior to the issuance of a building permit.
5. Applicant shall comply with all requirements and testimony placed upon the record at the hearing for Resolution of Approval.
6. The Applicant shall comply with the comments in the Board Engineer's review letter.

AND BE IT FINALLY RESOLVED that the secretary shall cause a brief notice of this

resolution to be published in the Retrospect at the Applicant's expense and forward a copy thereto to the Applicant within 10 days of the date hereof.

I do hereby certify that the foregoing Resolution was adopted by the Haddon Heights Borough Land Use Board at its regular meeting held on May 16, 2024. The Resolution memorializes the formal action taken by the Board at its regular meeting held on April 18, 2024.*****

On the Motion of Michael Madden to approve the application, seconded by Michael Famular, the Planning Board voted 7-0 to grant the bulk variances set forth above, subject to the condition, that the Applicant comply with the conditions set forth herein and representations made at the meeting.

Jennifer Bonaccorsi	Yes
Jeff Hanson, Chairman	Yes
Kate Harron	Yes
Michael Famular	Yes
Michael Madden	Yes
Brian Shannon	Yes
John Schmidt	Yes

CERTIFICATION

I hereby CERTIFY that the foregoing is a true copy of the Resolution adopted by the Haddon Heights Borough Land Use Board at a duly advertised meeting held on May 16, 2024, at which a quorum was present.

Suzanne Ritter
Land Use Board Secretary