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**ZONING BOARD OF ADJUSTMENT
AGENDA FOR OCTOBER 21, 2021**

7:00 P.M. REGULAR MEETING VIA ZOOM WEBINAR

CALL TO ORDER

FLAG SALUTE

NOTICE:

The Zoning Board of Adjustment reserves the right to change the order of the published agenda. All changes to the agenda will be announced at the beginning of each meeting.

It is the intent of the board (and at the discretion of the Chairman) to not begin a new application after 10:00 P.M. and to adjourn the meeting by 11:00 P.M.

It is a further policy of the Board that members of the public will be limited to five minutes when speaking on an application. When a person is representing a group of people, he or she may speak for ten minutes.

I am required to advise you that there is a no smoking policy in this building. In the event of a fire or other emergency please utilize the exit at the rear of the room.

For those of you in attendance that are in possession of a paging device or cell phone, kindly turn it off or put in on vibrating mode. The sudden alerting tones of either device are disrupting to the proceedings as well as to the recording equipment used by the Board. Also, if you find it necessary to converse with your applicant, professional, or attorney, please do so in the lobby at the rear of the meeting room.

Thank you for your cooperation.

This Board is a quasi-judicial Board therefore this meeting shall be conducted in a similar manner to a judicial proceeding. Decorum appropriate to a judicial hearing must be maintained at all times and any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision.

OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is being held in compliance with the requirements of the 'Open Public Meetings Act' and has been duly noticed and published as required by law.

ROLL CALL

RESOLUTIONS

MINUTES FOR APPROVAL

October 7, 2021

OLD BUSINESS

Darren Nguyen
113 Moonlight Terrace
Block 240, Lot 9

100A

Case #ZC2021-029

Action Date 1/1/2022

The applicant is seeking variance(s) and/or waiver(s) for the existing non-conforming fencing.

- a. **Section 150.14(B)(1)(b)(2)** – To permit 6' high vinyl fencing as installed in a side yard where 6' high fencing is prohibited from being installed outside of a rear yard, and;
- b. **Section 150.14(B)(3)(f)** - The applicant is requesting a waiver from the landscaping required in front of all fences exceeding 5' in height and facing a public right-of-way, and;

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Rakesh Patel
32 Callison Lane
Block 213.19, Lot 7

MDR(R100B)

Case #ZC2020-030

Action Date: 10/31/2021

The applicant is seeking variances related to a proposed patio, pool equipment and fencing installation.

The existing pool equipment require(s) variance(s) from:

- a. **Section 150.12(B)(1)** to allow existing pool equipment to remain as installed at 4.4' from the side property line, where no grading, construction or alterations are permitted within 5' of rear or side property line, and;

The proposed patio require(s) variance(s) from:

- a. **Section 150.13(A)(1)** to allow proposed improvements to occupy 39% of the rear yard, where maximum rear yard occupancy allowed for accessory structures is 25%, and;

The proposed 6' high vinyl fencing require(s) variance(s) from:

- a. **Section 150.14(B)(1)(b)**, to permit proposed 6' high vinyl fencing to be installed within a secondary front yard where 6' high fencing is permitted in rear yards only; and,
- b. **Section 150.14(B)(2)(a)**, to permit the installation of 6' high vinyl fencing in a front yard, where the installation of any fencing is expressly prohibited; and,
- c. **Section 150.14(B)(2)(c)**, to permit proposed 6' high vinyl fencing to be installed in the secondary front yard at 20 feet from the Nolen Circle right-of-way where a minimum setback of 34.7' is required; and,
- d. **Section 152.015(D)(1)(c)**, to allow for the proposed 6' high vinyl fence to be installed at 20 feet and the proposed patio expansion to be installed at 29.8 feet from the Nolen Circle right-of-way, where the minimum front yard setback from any right-of-way is 35 feet; and,

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Interstate Outdoor Advertising, LP
101 and 103 Route 73
Block 247, Lots 12 & 11.01

MB

Case #ZC2019-029

The Applicant has requested variances from the Conditional Use requirements for off-site signs, including commercial billboards, along Route 73 per Ordinance Section 150-15(E)(8)(f) for the following:

- a. **Section 105.15(E)(B)(f)2** - All lighting shall be directed onto the billboard structure; Digital LED signs are illuminated and project light out away from the billboard structure.
- b. **Section 150.15(E)(B)(f)5** - The minimum lot size shall be 0.5 acres and maximum lot size shall be 3 acres; Lot 11.01 and 12 contains 3.05 and 3.15 acres, respectively.
- c. **Section 150.15(E)(B)(f)6** - The minimum lot frontage shall be 100 feet and the maximum lot frontage shall be 300 feet; Lot 11.01 and 12 provides approximately 530 and 428.7 feet of lot frontage, respectively.
- d. **Section 150.15(E)(B)(f)7**- The sign structure shall be a minimum of 500 feet from any residential zone district; the billboard on Lot 12 is located approximately 304 feet from an MDR Zone District.
- e. **Section 150.15(E)(B)(f)8** - the off-site sign/billboard shall be the primary and only principal use on the lot; Lot 12 contains a primary/principal use as an automotive salvage yard.
- f. **Section 150.15(E)(B)(f)13** - All off-premises signs shall be located on the west side of Route 73 within the first 5,000 feet of the northern Township line; the billboard is proposed approximately 10,000 feet from the northern Township line along the west side of Route 73.

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

NEW BUSINESS

FR Tattoo Studios, LLC
102 Berlin Road
Block 142, Lot 1

B

Case #ZC2021-026

Action Date: 1/6/2022

The applicant is seeking use (d) variance(s) and waiver of site plan review to utilize the subject property as a by-appointment only boutique tattoo parlor, which is not an explicitly permitted use within the Business (B) Zoning District, with variances from:

- a. **From Section 152.082** to permit the use of an appointment-only tattoo shop where tattoo shops are not an explicitly permitted principle use in the B Zoning District, and;

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

The Applicant has requested variances for the following with this application:

- a. Section 150.15(E)(1)* - To permit a 96-inch by 24-inch freestanding message board to be immediately adjacent to the proposed freestanding street sign, where a minimum distance of 50 feet is required between freestanding signs.
- b. Section 150.15(E)(6)* - To permit a 16 square foot freestanding identification sign for the Education Center and to permit this identification sign to include the company logo, where a functional/directional sign shall not exceed 3 square feet or include company logos.
- c. Section 150.15(E)(7)* - To permit a 96-inch by 48-inch backlit, LED illuminated freestanding street sign to be located 3 feet from the right-of-way (Centennial Boulevard), where 10 feet is required.
- d. Section 150.15(E)(7)* - To permit 96-inch by 24-inch freestanding message board to be located 3 feet from the right-of-way (Centennial Boulevard) and less than 6 feet above grade to the bottom of the message board where 10 feet from the right-of-way and 6 feet above grade to the bottom of the sign is required.
- e. Section 150.15(E)(7)* - To permit a 16 square foot freestanding identification sign for the Education Center to be less than 6 feet above grade to the bottom of the message board, where 6 feet above grade to the bottom of the sign is required.
- f. Section 150.15(H)(2)(b)* - To permit a 96-inch by 24-inch freestanding message board to be permanently affixed to the freestanding street sign to be located on the Centennial Road frontage of the site, where a maximum of one (1) freestanding street sign is permitted.
- g. Section 150.15(G)(3)(c)6-* To permit messages to be displayed on the message board for more than 20 minutes in any one hour, where a message may not display for more than 20 minutes in any one hour.
- h. Section 150.15(H)(2)(a)* - To permit two signs, a 64-inch by 20-inch and a 126-inch by 56.5-inch three-dimensional identification lettering, attached to the face of the establishment on public street frontage (Centennial Boulevard), where only one such sign is permitted.

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE BOARD

NEXT MEETING DATE(s): November 11, December 16.

ADJOURNMENT