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**ZONING BOARD OF ADJUSTMENT
AGENDA FOR FEBRUARY 22, 2024
6:45 P.M. CAUCUS, 7:00 P.M. MEETING**

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.

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 FOR APPROVAL

Resolution 24-13 ZC2023-030 – 201 Laurel Road | Block 150.02, Lot 1.04
Pinnacle Luxury Residences

NEW BUSINESS

CEDAR LAKE NURSERIES, LLC

MB

Case #ZC2023-029

351 Route 73, Block: 222, Lot: 27

The applicant is seeking a conditional use variance and site plan waiver to permit Class 5 Cannabis retail establishment, with relief from the following sections:

- A. **Section §152-175.C**, where cannabis retail businesses shall not be located within 500 feet of the RR district and the subject property is 430 feet from the RR district along Kresson Gibbsboro Road; and
- B. **Section §152-175.C**, where cannabis retail businesses shall not be located within 500 feet of a house of worship and the subject property is 450 feet from the Mt. Zion AME church on Route 73; and
- C. **Section §152-102.A**, where the minimum required lot area is 2 acres is required for retail use in the MB Major Business Zone and where the subject property is 0.82 acres; and
- D. **Section §152-102.A**, where the minimum required front yard setback is 50 feet and the existing building is setback 29 feet from Route 73; and
- E. **Section §152-102.A**, where the minimum required rear yard setback is 100 feet and the existing building is setback 37 feet from the rear property line; and
- F. **Section §152-102.A**, where the maximum impervious coverage for lots not connected to the sewer is 30% and the property has 32% impervious coverage; and
- G. **Section §152-102.E**, where parking is required to be setback at least 20 feet from any side or rear lot line and the parking lot is 13 feet from the southern side lot line; and

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

DANIEL J. GREGORY & DEBORAH A. WEAVER
7 Old Stevens Lane, Block: 206.16, Lot: 17

MDR/R100

Case #ZC2023-029

The applicant is seeking a d-1 use variance relief to construct a new 392 square foot structure in rear yard that will serve as an accessory dwelling unit (apartment) in the rear of the property, as well as c variances as follows:

- A. **Section §152.012(A)** - Accessory dwelling units are not permitted in the MDR district. A d-1 use variance is required.
- B. **Section §152.014(A)** - The maximum permitted residential density is 1.5 dwelling units per acre, where a density of 2.4 dwelling unit per acre is proposed. This is a d-5 density variance.
- C. **Section §150.12(8)(1)** - Where no improvements are permitted within 5 feet of a side or rear property line, and the proposed accessory dwelling unit would be 4 feet from the side property line.
- D. **Section §150.13(A)(7)(d)** - Accessory sheds greater than 150 square feet shall conform to the setback requirements for principal structures, which is 15 feet from side yards, where the structure will be 4 feet from the western side lot line.
- E. **Section §150.13(A)(7)(e)** - where the total square footage of all sheds on a property shall not exceed 200 square feet in total, and the proposed shed/accessory dwelling unit is 392 square feet.

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

EDWARD & APRIL HALE
214 West End Avenue, Block: 14, Lot: 11

MDR/R100

Case #ZC2023-028

The Applicant is seeking variance relief for construction of a two-story single-family dwelling as follows:

- A. **Section §152.015(D)(1)(c)** – Minimum front yard setback must be 35 feet from right-of-way line, whereas 15 feet is proposed.
- B. **Section §152.015(E)** – Maximum building height must not exceed 35 feet, whereas 35.9 is proposed.
- C. **Section §150.13(A)(2)** – Accessory building and structures shall not exceed 15 feet in height, whereas 28.9 feet is proposed.

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): March 14, 2024, and March 28, 2024, April 11, 2024