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**ZONING BOARD OF ADJUSTMENT
AGENDA FOR APRIL 11, 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 24-16 | ZC2024-004 – 210 Homer Avenue Block 11, Lot 7
Christopher Lynch |
| Resolution 24-17 | ZC2024-002 – 29 Gettysburg Drive Block 218.38, Lot 11
Anthony & Elise Rocco |
| Resolution 24-18 | ZC2024-003 – 700 Berlin Road Block 160, Lot 1
Five Below, Inc. |

MINUTES

February 22, 2024
March 14, 2024
March 28, 2024

SWEARING IN OF BOARD PROFESSIONALS

NEW BUSINESS

DR. DAVID LACKNER	ORB	Case #ZC2023-027
219 S. Burnt Mill Road, Block: 100, Lot: 18		

The Applicant is proposing to occupy a portion of the existing building for Bible education/training. Applicant has indicated that the program is proposed to be operated on Saturdays when the building is not being used by the Daycare or the Church, thus requiring a d-1 use variance as follows:

- a. Section 152.072(A)** – where religious education uses are not permitted uses in Zoning District ORB and the applicant proposes a religious education on the property; and
- b. Section 152.075(C)(b)** – where a minimum side yard setback of 20 feet is required, and the pre-existing non-conforming setback is 10.7 feet; and
- c. Section 152.075(F)** – where the maximum impervious coverage limit is 60% and the pre-existing non-conforming impervious coverage is at 78%; and
- d. Section 152.075(G)** – where the maximum permitted clearing limit 70%, where the pre-existing non-conforming clearing is approximately 80% of the lot is cleared; and
- e. Section 152.075(H)** – where the required parking setback is at least 20 feet from the right of way, and 25 feet from residentially zoned property, and the pre-existing non-conforming

parking setback is 0 feet from Wayne Avenue, and 12 feet from the residential property to the east; and

- f. Section 152.075(I)** – where a minimum of 25% of the tract is required to be set aside of open space, and the pre-existing non-conforming less than 20% of the tract is undeveloped; and

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

SMD ENTERPRISES, INC.

MDR/R100

Case #ZC2023-031

MOORE ENGINEERING SERVICES

203 W. Somerdale Road, Block: 48, Lot: 3

The applicant is seeking a d-1 use variance to replace an existing +/- 400 square foot garage on the property with a new 1,500 square foot two-story garage building to be used as an additional workshop and storage space, with relief from the following sections:

- A. **Section §152.012**, where office uses are not permitted in the MDR district as a principal use and a d-1 variance was previously granted; and
- B. **Section §152.015(C)**, where the proposed lot depth is 114 feet, and the minimum required lot depth is 120 feet; and
- C. **Section §150.012(D)**, where all structures are required to be built upon a lot with frontage upon a fully improved public street, the property does not have any frontage on an improved public right of way, only a paper street, and with access to Somerdale Road across an adjacent property through an easement, and
- D. **Section §150.013(A)(2)**, where accessory structures in the MDR district are permitted to have a maximum height of 15 feet, and the proposed accessory building will have a height greater than 20 feet, and
- E. **Section §150.016(A)**, where 21 off-street parking spaces are required of this application and only 13 spaces are proposed, and

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): April 25, 2024, May 9, 2024, and May 23, 2024