



Department of
Community Development

TO: Cherry Hill Township Zoning Board Members
FROM: Cosmas Diamantis, Esq., Director
Natalie Shafiroff, PP, AICP, Supervisor
Jacob Richman, PP, AICP, Planner
RE: **COMPLETENESS REVIEW**
Mohammad Owais Lari
50 Equestrian Lane
Cherry Hill, New Jersey 08002
Block 529.01 Lot(s) 136
Application No. 20-Z-0012
DATE: August 3, 2020

I. GENERAL INFORMATION

- A. **Applicant & Owner.** Mohammad Owais Lari, 50 Equestrian Lane, Cherry Hill, NJ 08002.
- B. **Proposal.** A bulk (C) Variance to install a six (6') tall wood fence within the secondary front yard of the existing residential property.
- C. **Zone.** Residential (R2).
- D. **Site Area.** The property is located in the Short Hill neighborhood located in the southeast of the Township off of Evesham Road (CR 544). Other major nearby roads include Springdale Road (CR-673) to the east and Cropwell Road to the west (CR 675). Immediately adjacent zoning districts are residential (R7, townhouses part of Short Hills Development) and nearby zoning districts include Institutional (IN) and Neighborhood Business (B1). The subject property is approximately 0.39 acres in size.
- E. **History.** In a review of the Department of Community Development's records, no applicable zoning permits that may affect the present application were found.

II. COMPLETENESS REVIEW

- A. **Submitted Items.** The following information has been submitted in support for this application and reviewed by the Cherry Hill Township Department of Community Development for conformance to the Zoning Ordinance:
 - 1. Survey of Premises with Annotated Fence Location Plan prepared by *Steven R. Kelly, PLS* dated *December 17, 2004*.
 - 2. Overlay of annotated survey of premises on aerial photo.
 - 3. Land Use Application.
- B. **Checklist.** The following checklist items have been submitted in accordance with the Township's Zoning Ordinance requirements and are subject to the following comments, all waivers requested are supported by the Township with no additional comments:
 - 14. *Photographs of the site showing area in question.* **The applicant shall provide testimony regarding the existing site conditions based upon the provided site photographs.**
 - 16. *Summary. A written description of the proposed use(s) and operation(s) of the building(s), i.e., the number of employee or users of non-residential buildings, the proposed number of shifts to be worked, the maximum number of employees on each shift, expected truck traffic, noise, glare, radiation, heat, odor, safety hazards, air and water pollution.* **Testimony, based upon the provided project summary, shall be provided that indicates the purpose for the proposed fencing (i.e. safety for family/pets, etc.).**

- C. **Determination.** The Department of Community Development has reviewed the aforementioned application and it has been **deemed complete**. All waivers have been requested and granted for checklist items not identified above.

III. DEPARTMENT OF COMMUNITY DEVELOPMENT COMMENTS

- A. **Zoning Requirements.** Single-family detached dwellings are permitted uses within the Residential (R1) Zone, as per Section 404.B. of the Zoning Ordinance. Fences are permitted accessory structures in the R1 Zone as per Section 405.C. and 506.A.1 of the Zoning Ordinance. The bulk standards within the R1 zone, specifically found at section 404.D, are as follows:

CODE	MINIMUM REQUIREMENTS	REQUIRED (Corner Lot)	EXISTING	PROPOSED	CONFORM
\$404.D	Lot Size (Square Feet)	15,000 SF	16,988 SF	No Change	C
\$404.D	Lot Frontage	100'	75' (to radius) (Equestrian) 188.92' (Equestrian)	No Change	ENC/ C
\$404.D	Lot Depth	120'	190.49.'	No Change	C
\$404.D	Front Yard (Equestrian Lane)	35'	38'	No Change	C
\$404.D	Secondary Front Yard (Equestrian Lane)	25'	26'	No Change	C
\$404.D	Side Yard	10'	19'	No Change	C
\$404.D	Rear Yard	25'	>25'	No Change	C
\$404.D	Maximum Building Height	35'	N/A	No Change	N/A
\$404.D	Maximum Building Cover	30%	N/A	No Change	N/A
\$404.D	Maximum Lot Cover	35%	N/A	No Change	N/A
\$404.D	Open Space	N/A	N/A	N/A	N/A
\$506.A.1.b.i	Maximum Fence Height in Front Yard	3'	N/A	6'	V
\$506.A.1.b.i	Minimum Setback For Fence >3' in Height in Front Yard	25' or Front Façade (26') ^A	N/A	5'	V

ENC Existing Non-Conformity

V Variance

C Conforms

A Whichever is Furthest

- B. **Bulk (C) Variances.** Justification should be provided for the requested newly created variances in accordance with N.J.S.A. §40:55D-70, where the Township recommends that the burden of proof be provided by a licensed New Jersey Professional Planner (P.P.), it is not required of this applicant:
- From §404.D, to permit a lot frontage of 75' along Equestrian Lane, where a minimum lot frontage of 90' is required. ***This represents a preexisting nonconformity.***
 - From §506.A.1.b.i and ii, to permit a six (6') foot tall aluminum fence to be located within the front yard 5' from the Right-Of-Way (ROW) (Equestrian Lane), where fences in the front yard shall be no greater than three (3') feet in height and shall be located at the front-most façade

of the existing house or a minimum of twenty-five (25') feet from the ROW, whichever is furthest. **In this instance, the principal structure has a setback of 26' from the ROW and, as such, the fence would have to be setback at least 26' from the ROW to be conforming.**

3. Any other variances deemed necessary by the Zoning Board.
- C. **Use (D) Variances.** A use variance is not being requested as part of this application.
- D. **Design Waivers.** Design waivers are not being requested as part of this application.
- E. **Comments.** The applicant shall address the following comments:
1. This property has frontages on three sides, two on Equestrian Lane and one the fronts on Short Hills Drive. In cases with reverse frontage, the setback for fences to the ROW must, in this case, be a minimum of 10'. This fence conforms to this requirement.
 2. The applicant shall provide testimony regarding the height, type, and color of the proposed fence to be installed. Testimony regarding the proposed gates and locking mechanism shall also be provided.
 3. The applicant shall provide specific testimony as to where the proposed fencing is to be installed on the property and be specific about the setbacks as shown on the plan.
 4. Furthermore, the applicant shall provide testimony as to how the proposed fence will not impact sight triangles (see Section 502.M of the Zoning Ordinance) and how the proposed fence will not be a detriment to neighboring properties.
 5. The applicant shall indicate what the purpose is for the proposed fencing and what safety issues are currently present due the lack of fencing.
 6. The applicant shall provide testimony regarding any conditions related to the shape, topography, shallowness, and/or uniqueness of the parcel in question that make it difficult for the applicant to conform to the fencing requirements enumerated in the Zoning Ordinance. The applicant shall provide testimony regarding the physical orientation of the existing single family dwelling in relation to the property lines and surrounding roadways.
 7. Justification for the requested bulk (C) variance must be provided, in accordance with the M.L.U.L. Section 40:55D-70c. In considering a request for a bulk (c) variance, the Zoning Board of Adjustment must be assured that the Applicant has demonstrated either that:
 - a. By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or
 - b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
 - c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon, the developer of such property ((C1) Variance);
OR THAT:
 - d. In an application relating to a specific piece of property, the purposes of the Municipal Land Use Law would be advanced by a deviation from the requirements of the zoning ordinance; that the variance can be granted without substantial detriment to the public good; that the benefits of the deviation will substantially outweigh any detriment; and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance ((C2) Variance).

- F. **Conditions.** Should the Zoning Board consider and grant the bulk variance ((NJSA 40:55D-70(c)) to permit the proposed use, they may impose reasonable conditions, as deemed necessary by the Zoning Board members.

IV. APPROVAL PROCESS

If approved, the following items are required to complete the approval process (notwithstanding any other needed items due to the unique nature of the application):

1. After the Resolution is memorialized, a **Notice of Decision** will be published in the Courier Post by the Department of Community Development.
2. After all comments have been addressed, revise (if needed), and submit **one (1) copy of finalized plans and an electronic copy** for Township records.
3. Payment of any outstanding **Review Escrow**.
4. Complete and submit a **Zoning Permit**. *To learn about how to submit a zoning permit during the closure of Town Hall, please visit the following webpage: <http://www.cherryhill-nj.com/203/Zoning>.*

Cc: *Mohammad Owais Lari (via email)*
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50 EQUESTRIAN LANE

BLOCK 521.09 LOT 136



PREPARED BY:
 NATALIE K. SHAFIROFF, PP, AICP, SUPERVISOR
 DEPARTMENT OF COMMUNITY DEVELOPMENT
 LICENSE NO. 33L00643200

Legend

-  Flood
-  Wetlands
-  Stream
-  Bus Stop