

Summary of Application
Cherry Hill Township Zoning Board
Steven and Avery Giordano
Block 525.05, Lot 3
15 Robin Lake Drive

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COMMUNITY DEVELOPMENT

The applicants, Steven and Avery Giordano, are the owners of real property located at 15 Robin Lake Drive and designated as Block 525.05, Lot 3 on the municipal tax map. The property is located in the Residential Agricultural (RA) zoning district. The applicants seek variance approval for an existing 4.5' fence at the property. The applicant seek the following variances:

1. §506.A.1.b. – Fence height – fence shall not exceed 3' in a front yard; 4.5' fence is existing and proposed.

The applicants also seek any other variances, waivers and approvals that may be required.

The existing 4.5' fence, with self-locking gates was installed in February 2020 as part of an entire house interior/exterior renovation. The renovations began in 2019 and were completed in February 2020 with the issuance of a certificate of occupancy. The renovations, including the fence installation, took place before the applicants were living in the home. The applicants submitted for permits in August 2020 to build an in-ground pool and the Department of Community Development discovered that the fence had been put up by the installer without permits and that a variance would be required.

The variance for the existing fence can be granted under both N.J.S.A. 40:55D-70(c)(1) (hardship) and (c)(2) (where a deviation from the zoning ordinance advances a purpose of zoning and the benefits of the deviation substantially outweigh the detriments). As for hardship, the lot is very uniquely shaped, near the end of a cul-de-sac. The existing single-family home is oriented so that the front of the home does not face the nearest street, Robin Lake Drive. The property is also a corner lot at the corner of Robin Lake Drive and Middle Acre Lane. Therefore, under the zoning ordinance, it has two front yards, one side yard and one rear yard. Additionally, most of the rear of the property behind the existing home contains unusable wetlands. The applicants are in the process of applying for a Letter of Interpretation ("LOI") from the New Jersey Department of Environmental Protection ("NJDEP") which will definitively confirm the location and classification of the wetlands on the property and their relation to the existing fencing.

The height of the fence is due to the applicants plans to construct a pool in the usable portion of the rear of the property. Per ordinance, Section 506.A.1.e, private residential swimming pools must be enclosed with a fence that is a minimum height of 4' with self-locking gates.

Strict application of the zoning ordinance requirements would result in an undue hardship upon the applicants. First, there is hardship resulting from the existing wetlands and unique shape of the lot near the end of Robin Lake Drive as well as the orientation of the existing home and driveway on the lot. This contributes to the need for the variance. Also, the location of the fence line promotes a more desirable visual environment. These benefits substantially outweigh any detriment from granting the variance.

Granting the variance relief will not change the nature and character of this neighborhood nor result in any material adverse impact on any neighbors. The variances will not substantially impair the intent and the purpose of the zone plan or zoning ordinance.