

**TOWNSHIP OF MAPLE SHADE  
ZONING BOARD OF ADJUSTMENT  
RESOLUTION No. ZBA-2025-09**

**RESOLUTION GRANTING USE VARIANCE, BULK  
VARIANCES, AND MINOR SUBDIVISION  
APPROVAL FOR LOT LINE ADJUSTMENT ON  
BLOCK 159, LOTS 1 & 3, TAX MAP,  
TOWNSHIP OF MAPLE SHADE**

**WHEREAS**, Susan M. Whalley has made application to the Zoning Board of Adjustment of the Township of Maple Shade for a use variance with bulk variances and minor subdivision approval to permit a lot line adjustment on Block 159, Lots 1 & 3, Tax Map, Township of Maple Shade; and

**WHEREAS**, the matter coming on to be heard at a public meeting on November 12, 2025, pursuant to all notices required by law, and the Board having heard the testimony presented and having examined the exhibits filed, finds the following facts and conclusions of law:

- A. The subject property is identified as 307 South Cedar Avenue in the R-1 Zone with the rear portion extending into the BD Zone. The property has 50 feet of frontage on South Cedar Avenue and a depth of 200 feet. The property is occupied by an existing residential dwelling.
- B. The applicant proposes to adjust the lot line between Lot 3 and Lot 1 so as to enlarge Lot 1 (existing house lot on Salmon Avenue) further into the BD Zone.
- C. The application has been reviewed by the Zoning Board Engineer/Planner (Turek Consulting, LLC) by letter dated October 21, 2025, revised November 6, 2025. The applicant is the owner of 307 S. Cedar Avenue (Lot 3). The proposal is to subdivide the rear yard portion of Lot 3 to be consolidated with adjacent Block 159, Lot 1, which is a residential dwelling situated in the Business Development Zone (BD). Residential uses are not a permitted use in the BD Zone.

- D. The engineer's report notes that as a result of the proposed subdivision, an existing residential shed will be located on a residential lot within the BD District. The report makes note of the following variances being required as a result of the proposed subdivision.
1. Use variance for expansion of a residential use (Lot 1) into the BD Zone.
  2. Possible bulk variance for shed location.
  3. Lot width variance for Lot 1 in the BD Zone: 125 feet required, 100 feet existing.
  4. Lot area variance for Lot 1 in the BD Zone: 1 acre required, 0.20 acres proposed.
  5. Front yard setback for Lot 1: 40 feet required, 13.7 feet proposed.
  6. Side yard setback for Lot 1: 30 feet required, side yards of 26.8 feet, 24.5 feet and 6 feet either existing or proposed.
  7. Rear yard setback: 40 feet required, 20 feet shown on plan.
- E. The engineer's report further identifies specific revisions required on the subdivision plan, related to issues of lot ownership, zoning table, dimensions and zoning line location between the BD Zone and Residential Zone (R-2).
- F. A summary of the application was presented to the Zoning Board by the applicant's attorney, Matthew Zabel, Esq., with the applicant present at the hearing. The applicant's property has a depth of 200 feet off Cedar Avenue. The proposal would subdivide the rear 75 feet of the applicant's lot to combine it with what will then become the rear yard of the residential dwelling identified as 808 Salmon Avenue (Block 159, Lot 1). The positioning of the lots involved is shown on the attached minor subdivision plan.
- G. The rear yard addition to 808 Salmon Avenue results in an expansion of a non-conforming use (residential) into the Business Development

Zone. This requires a d(2) use variance, Both properties are in a neighborhood characterized as residential. Both lots are non-conforming by currently applicable bulk standards. The transfer of property results in the following bulk variance requests arising from existing conditions:

1. Existing metal shed in the Whalley property will now be on the 808 Salmon Avenue property. Variance needed for existing 6-foot side yard setback.
2. The rear yard metal shed as referenced in the engineer's report has been removed as represented by applicant's attorney.
3. The newly configured lots require variances for lot area, lot width for Lot 1, front yard setback for Lot 1, side yard setbacks for Lot 1, and rear yard setback. All said variances are technical in nature arising from existing conditions and are referenced in the Turek Consulting report revised to November 6, 2025.

- H. During the public portion of the meeting the board heard testimony from Paul Booth, who grew up in Maple Shade and is familiar with the two properties involved. Paul Booth recited a history of the property and the development of the neighborhood in general. He believes the transfer of a rear portion of the Whalley property is good common sense for both parties. He requests that the board grant an approval.
- I. The Zoning Board finds and concludes the proposed subdivision plan is advantageous to both properties and is a common sense ownership swap that can be accomplished without causing a substantial detriment to the public good or a substantial impairment to the intent and purpose of the Zone Plan and Zoning Ordinance. The subdivision plan does not include any proposed new development and the land exchange will not have any visual impact on the neighborhood.

**NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:**

1. The proposed subdivision plan and use variance necessitated by an expansion of a residential use further into the BD Zone are approved.
2. The bulk variances s recited in ZBA Engineer's review letter (revised to November 5, 2025) arise from existing conditions which are not being changed as a result of the subdivision plan. To the extent that such conditions require variances, the relief is granted as they will not constitute a detriment to the public good, nor will they substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.
3. The applicant will make the modification to the subdivision plan to comply with the requirements of the Zoning Board Engineer (letter revised to November 6, 2025).
4. The rights, duties, and obligations of the applicant with respect to minor subdivision approval shall be as set forth in New Jersey Statute 40:55D-47 (minor subdivision).
5. This approval is conditioned upon the applicant providing sufficient escrow funds to pay professional and consulting fees incurred during the course of review and approval of the application in accordance with Section 88-10 of the Ordinance.
6. This approval is conditioned upon payment of any outstanding taxes or assessments on the property in accordance with Section 22-35 of the Ordinance.

DATE:

MOTION TO GRANT USE VARIANCE AND SUBDIVISION WITH BULK VARIANCES

YES

NO

BEBITCH  
KOZIERACHI  
MORTIMER  
VALENTINO  
ZEREGA  
RADIE  
GEE

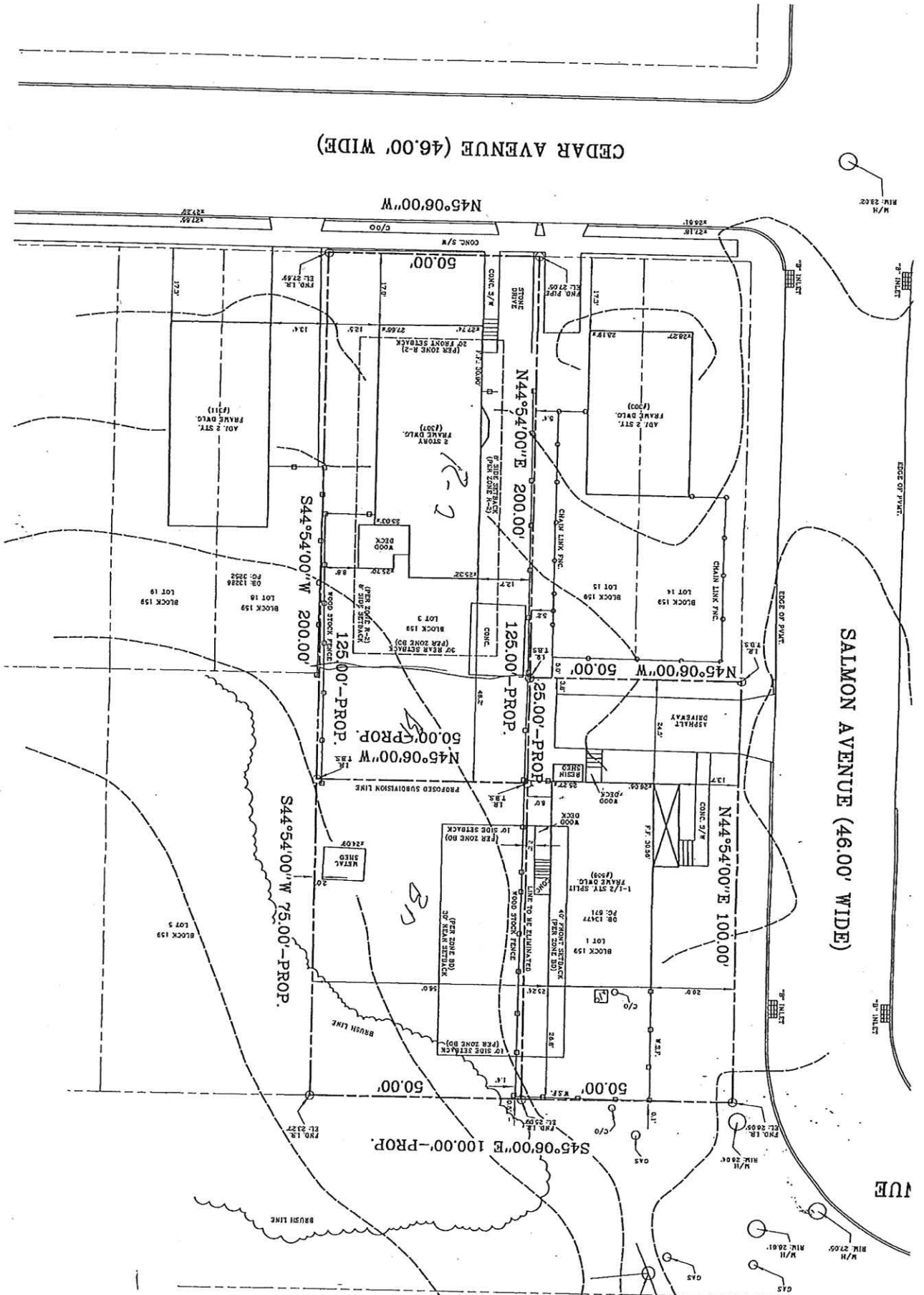


JOHN GEE, JR.  
ZBA CHAIRMAN



SUSAN E. DANSON, MPA  
BOARD SECRETARY PRO TEM

\*\* INDICATES WAIVE  
 \*\* INDICATES EXISTI



CEEDAR AVENUE (46.00' WIDE)

SALMON AVENUE (46.00' WIDE)

N45°06'00\"W

S44°54'00\"W 200.00'

S44°54'00\"W 75.00'-PROP.

S45°06'00\"E 100.00'-PROP.

125.00'-PROP.

25.00'-PROP.

50.00'-PROP.

N44°54'00\"E 100.00'

N44°54'00\"E 200.00'

1-1/2 STY. SPILL  
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 PC. 971

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