

JLUB RESOLUTION #26-R-10

RESOLUTION OF THE JOINT LAND USE BOARD OF THE TOWNSHIP OF MAPLE SHADE GRANTING AN INTERPRETATION OF A PROPOSED USE AND GRANTING BULK VARIANCE RELIEF FOR AN ADDITION TO BLOCK 22, LOT 18.01, A/K/A 449 EUCLID AVE. UNDER APPLICATION NO. JLUB-26-02

WHEREAS, an application was made to the Maple Shade Township Joint Land Use Board, hereinafter the "JLUB", by the property owners, Michael and Debbie Fitzpatrick (hereinafter "Applicants"), for the property located at 449 Euclid Avenue in Maple Shade, NJ, for use and bulk variance relief to permit the construction of an addition to their single family residential dwelling to be constructed on the property that is located in the R-1 Residential Zoning District known as Lot 18.01 in Block 22 on the Official Tax Map of Maple Shade Township, hereinafter the "property" with all documentation and materials filed with the application or submitted as exhibits, all of which are incorporated by reference herein; and

WHEREAS, the application was heretofore deemed to be complete by the JLUB; and

WHEREAS, the Applicants, Michael and Debbie Fitzpatrick, appeared pro se at the hearing and were sworn in by the Board Solicitor; and

WHEREAS, the public hearing was held by the Board on February 18, 2026, at which time the Board heard sworn testimony from the Applicants concerning their property located at 449 Euclid, a/k/a Block 22, Lot 18.01 which is located in the R-1 Residential Zoning District; and

WHEREAS, the Board reviewed the report of the Board Planner, Ashton Jones, P.P., dated February 16, 2026, which report is incorporated by reference herein; and

WHEREAS, Applicants advised the JLUB that Applicants would like to construct a 576 s.f. (16'x36') addition to their single-family residential dwelling to be utilized as a family member suite with "kitchenette", which is not a permitted use in the R-1 Zone and that the kitchen area of the addition would only have a sink; cabinet; countertop; and small refrigerator but no cooking appliances; and

WHEREAS, Applicants provided additional testimony to the JLUB to explain that their daughter would occupy the addition, and the following Exhibits were introduced into the record: A-1 color picture of dwelling; A-2 color picture of adjacent neighbor's house; and A-3 survey; and

WHEREAS, the Applicant has given legal notice as required by law and in accordance with N.J.S.A. 40:55D-12 and the applicable Maple Shade Township Code, by serving proper Notice to property owners within 200' ft. of the property, serving Notice on all required governmental agencies and public utilities and by publishing a proper Notice in the newspaper, all at least ten (10) days prior to the hearing; and

WHEREAS, the JLUB, sitting as a Zoning Board of Adjustment, made the following findings of fact and conclusions based thereon:

FINDINGS OF FACT:

1. In support of the Application, Applicant submitted the following: Planning Board & Zoning Board Application; Tax Payment Cert.; Affidavit of Service of Notices; Survey from Pennell Land Surveying dated 8-11-98 with hand drawn "addition" depicted on the Survey;
2. Testimony and representations by Applicants at the time of the hearing before the JLUB on February 18, 2026, including Exhibits A-1 through A-3;
3. Letter from the JLUB Planner, Ashton Jones, P.P. dated February 16, 2026, which is incorporated herein and made a part of this Resolution by way of reference;
4. Comments made by the JLUB Planner at the time of the hearing;
5. The property is a 60'x165' lot located at 449 Euclid and known as Block 18.01, Lot 22 on the Township of Maple Shade Tax Maps;
6. The property and those surrounding it are located in the R-1 Residential Zoning District, and the addition proposed by Applicants requires bulk variance approval from the JLUB for the minimum side yard setback to permit 3.8' where a minimum setback of 8' is required, along with the aggregate side yard setback to permit 13.9' where a minimum of 20' is required under the R-1 bulk requirements, in addition to use variance approval to permit a "kitchenette", which is not permitted under Section 205-10(E) of the Code;
7. Two members of the public appeared in support of the application: Andrew Simonsick and Joanne Mortimer.

CONCLUSIONS:

1. The JLUB Board has jurisdiction to hear the application.
2. Based on the testimony of Applicants, the JLUB discussed, at length, whether Applicant requires "use variance" approval with respect to the use and term "kitchenette", which the JLUB confirmed was not a defined term in the zoning code. Based upon Applicant's explanation of the amenities, or rather lack thereof, in the kitchen area, the JLUB determined that a use variance was not required as the addition did not have a "kitchenette", which would not be permitted under Section 205-10(E) of the Code. Therefore, pursuant to N.J.S.A. 40:55D-70(b), the JLUB made an interpretation of the zoning code that the addition did not have a kitchenette. Additionally, the JLUB weighed both the positive and negative criteria surrounding the two bulk variances required by Applicant for minimum side yard setback to permit 3.8' and side yard aggregate to permit 13.9', wherein the Board affirmatively granted the requested bulk variances. Specifically, the Board determined that the grant of the bulk variances would not pose a substantial detriment to the zone plan or zoning ordinance and that the variances were required due to the existing location of the dwelling on site.
3. The JLUB weighed the positive and negative criteria of the Application, including the ways in which the proposed project advanced the designated purposes of zoning and determined the benefits outweighed any potential detriment to the public good or zone plan.

WHEREAS, upon Motion duly made and seconded to grant the "Application" for bulk variance approval, the JLUB voted unanimously in favor of granting requested bulk variances.

NOW, THEREFORE, BE IT RESOLVED, by the Maple Shade Township JLUB that the Applicant's bulk variance application for the property known as 449 Euclid Ave. and identified as Lot 18.01 in Block 22 on the Official Tax Map of Maple Shade Township is hereby granted, to permit the construction of an addition to the single-family residential dwelling occupied by Applicants based on the findings of fact and conclusions set forth above, which is hereby granted for the reasons set forth herein to permit the construction of the residential addition to the existing dwelling proposed by applicant, subject, however, to the testimony, representations and stipulations of the Applicant at the time of the hearing and in their submissions, and further specifically, subject to the following terms and conditions:

1. Subject to Applicant complying with and obtaining any and all necessary approvals from any local, county, state and/or federal government or administrative body having jurisdiction over all or part of this land use development approval;
2. Applicant agreed and acknowledged that the "addition" cannot be converted into a duplex nor be rented as a separate apartment and that there will not be separate utilities;
3. The approved addition cannot be constructed nor converted at a later date with a "kitchenette" nor shall a stove be installed; and
4. The Applicant shall comply with each and every condition, revision, modification, or other request in the Planner's letter of February 16, 2026.

ADOPTED by the Maple Shade Township Joint Land Use Board at a meeting held on March 18, 2026 as a memorialization of the motion unanimously adopted by the JLUB granting bulk variance relief and an interpretation of the Zoning Code that the proposed addition does not contain a "kitchenette" for the proposed addition to Applicant's single-family residential dwelling at the subject property, at the conclusion of the public hearing.

There were no abstentions or votes in the negative.

ATTEST: Karen A. McShane

**JOINT LAND USE BOARD OF THE
TOWNSHIP OF MAPLE SHADE**
Lu Valentino
Lu Valentino, Chairwoman

CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted at a meeting of the Maple Shade Township Joint Land Use Board, County of Burlington, State of New Jersey held on the 18th day of March, 2026, as a memorialization of the action taken by the JLUB at the Board's meeting and public hearing held on February 18, 2026 on the above cited Application.

Karen A. McShane
Karen McShane, Secretary