

IN THE MATTER OF THE APPLICATION OF

ZACHARY HEMPLE

**FOR APPROVAL OF BULK VARIANCES
FOR THE PROPERTY LOCATED AT**

**151 EAST PINE STREET
BOROUGH OF AUDUBON, NJ
BLOCK 18 – LOT 17.08**

**BOROUGH OF AUDUBON
JOINT LAND USE BOARD
RESOLUTION OF
MEMORIALIZATION**

RESOLUTION NUMBER 2025-09

WHEREAS, Zachary Hemple, whose address is 151 East Pine Street, Audubon, New Jersey 08106, hereinafter referred to as the “Applicant”, is the owner of the property located at 151 East Pine Street, Audubon, New Jersey, which property is designated on the Tax Map of the Borough of Audubon as Block 18, Lot 17.08, hereinafter referred to as the “Property”; and

WHEREAS, the Property is located in the Residential (R) Zoning District; and

WHEREAS, the Property consists of a corner lot which has forty feet (40’) of frontage on East Pine Street and one hundred and twenty two feet (122’) of frontage on Davis Avenue, upon which is situate a two-story, detached, single-family residential dwelling, a detached garage, a driveway on Davis Avenue, a paver patio, concrete walkways, and associated site improvements; and

WHEREAS, the Property currently includes preexisting, nonconforming conditions, *to wit*: the lot area of the Property is 4,899 square feet where, pursuant to Ordinance § 113-382(3)(a)(1)(i), the minimum required lot area is 7,500 square feet; the Property width is 40 feet where, pursuant to Ordinance § 113-382(3)(a)(1)(ii), the minimum required lot width is 50 feet;

the front yard setback along the Pine Steet frontage of the Property is 11.8 feet and along the Davis Avenue frontage of the Property is 10.2 feet where, pursuant to Ordinance § 113-382(3)(b)(1), the minimum required front yard setback is 20 feet; the building coverage on the Property is 28% where, pursuant to Ordinance § 113-382(3)(c)(1), the maximum permitted building coverage is 25%; the lot coverage on the Property is 40.6% where, pursuant to Ordinance § 113-382(3)(c)(2), the maximum permitted lot coverage is 40%; and the setback to the accessory garage is 1.5 feet where, pursuant to Ordinance § 113-444(2)(a)(2), the minimum required setback to an accessory structure is 5 feet; and

WHEREAS, the Applicant proposes the installation of a six-foot high (6') solid wood, privacy fence in the front and side yards of the Property to replace the existing chain link fence and expand the parameters of fencing; and

WHEREAS, pursuant to Ordinance § 113-442(c) fencing shall not be erected from the rear house line forward which is in excess of four feet (4') high; and

WHEREAS, pursuant to Ordinance § 113-442(d) no fence shall be erected from the front house line forward that is a solid fence; and

WHEREAS, pursuant to Ordinance § 113-442(i), "(a)ll fences must be erected within the property lines, and no fences shall encroach upon a public right-of-way or interfere with vehicular visibility or traffic on corner lots" and portions of the existing fence proposed to be replaced is located outside the Property lines and encroaches into a public right-of-way; and

WHEREAS, the Applicant's proposed fence includes portions forward of the rear house line which are in excess of 4 feet in height and solid fencing in portions of the Property

forward of the front house line, in violation of both Ordinance §§ 113-442(c) and 113-442(d), which require bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) permitting solid fencing located in front of the front house line in excess of the maximum permitted height; and

WHEREAS, Steven M. Bach, PE, RA, PP, CME Engineer for the Joint Land Use Board of the Borough of Audubon, has submitted a report October 2, 2025, which report is incorporated herein by reference, and

WHEREAS, the Application came before the Joint Land Use Board of the Borough of Audubon for Public Hearing on Wednesday, December 10, 2025 with the following members being present: Mayor Robert Jakubowski; Steve Connelly; Dan Gaspari; James Kindya; James Rossell, Jr.; Michael Sullivan; and Jodi Clark along with Steven M. Bach, PE, RA, PP, CME, Engineer for the Joint Land Use Board; Matthew P. Madden, Esquire, Solicitor for the Joint Land Use Board; and Danielle Ingves, acting Secretary for the Joint Land Use Board; and

WHEREAS, the Applicant submitted with this application the following upon which the Board relied, in part, in rendering its decision:

- a. Borough of Audubon Land Development Application dated September 11, 2025.
- b. List of corner properties in the Borough of Audubon which have privacy fences.
- c. Property Survey prepared by James A. Clancy, P.E., P.L.S., of H.C.E. & S., LLC entitled "Plan of Survey, Lot 17.08, Block 18, 151 E. PINE STREET, Borough of Audubon, County of Camden, New Jersey" dated October 8, 2020 as annotated by the Applicant with the location of the proposed fence.
- d. Proofs of Service and Publication of Public Notice; and
- e. Notice of Hearing to Property Owners.

WHEREAS, the Board duly considered the application in detail; and

WHEREAS, appearing at the public meeting to testify on behalf of the application was Zachary Hemple, the Applicant, and Jenna Hemple, his wife, who were each duly sworn and testified and responded to the questions from the members of the Joint Land Use Board and Board Professionals; and

WHEREAS, testimony was taken from the Applicant regarding the application, with such testimony being provided as follows:

1. The Applicants seek bulk variance approval to allow them to install a privacy fence as a replacement for their existing chain link fence.
2. The Applicant has a two-year-old daughter and is concerned with privacy and security.
3. The Property is a corner lot which, pursuant to Borough Ordinances, has two front yards.
4. If the Property was not a corner lot, the proposed fencing would be permitted, and no variances would be required.
5. The designation of each frontage as a front yard reduces the useable yard space on the Property.
6. The Applicant acknowledges that portions of the existing fencing is located outside the Property lines and that the Board does not have jurisdiction to authorize fencing outside of the Property lines and, is agreeable to ensuring that all fencing is located within the Property lines and will not encroach into the public right-of-way.
7. Privacy fences are not uncommon in the Borough, and the Applicant has supplied a list of corner properties in the Borough which have privacy fences, although, acknowledges that he is

unaware whether such properties received variance approvals or whether the fencing on such properties predated the ordinance disallowing such fences.

8. When the fence is installed along the Property line, there will be fifteen feet (15') between the fence and the edge of the curb which, according to the Board Engineer, is sufficient sight clearance.

9. The Applicant contends that the Property being a corner property with two front yards, combined with the several legally existing nonconforming conditions and the present location of improvements lawfully existing on the Property, that the strict imposition of Ordinance standards would reduce the useable portion of the yard such that it exacts an undue hardship on the Applicant.

10. The Applicant contends that, in light of the prevalence of corner properties with privacy fences, the grant of the relief requested will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan or zoning ordinance.

11. The Applicant is agreeable to ensuring that all fencing is installed within the Property lines.

WHEREAS, the meeting was opened to the public and, there being no members of the public who appeared to question the Applicant or provide comments on the application, the public portion of the hearing was duly closed; and

WHEREAS, the application was reviewed and discussed at length at the meeting, and

WHEREAS, upon Motion duly made by Jim Kindya and seconded by Michael Sullivan with respect to the approvals sought and described herein, the Joint Land Use Board of the

Borough of Audubon unanimously approved the application by a vote of seven in favor and zero opposed (7-0) based upon the sworn testimony of the Applicants, the Applicants' submission materials and the conditions as set forth above and hereafter.

The voting on the application was as follows:

Mayor Jakubowski:	Yes
Steve Connelly:	Yes
Dan Gaspari:	Yes
James Kindya:	Yes
James Rossell, Jr:	Yes
Michael Sullivan:	Yes
Jodi Clark:	Yes

NOW THEREFORE, The Joint Land Use Board of the Borough of Audubon makes the following findings of fact and conclusion of law, to wit:

1. The application and public notices are in proper order as required by statute and ordinance.
2. The Applicant is the owner of the Property and, thus, has standing to pursue the variance relief described herein.
3. The Applicant seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) permitting fencing from the rear house line forward of six feet (6') high which is in excess of the maximum height permitted by Ordinance § 113-442(c) along with bulk variance relief permitting the erection of the solid fencing located forward of the front house line which is not permitted pursuant to Ordinance § 113-442(d).
4. The Applicant has demonstrated the requisite proofs, in accordance with the Municipal Land Use Law and the Borough of Audubon land development ordinance for the granting of the bulk variance relief described herein.

5. Specifically, the Applicant has demonstrated to the satisfaction of the Board that, by reason of an extraordinary and exceptional situation uniquely affecting the Property and structures lawfully existing thereon, *to wit*, the fact that the Property is an undersized corner lot with two front yards combined with the structures lawfully existing on the Property, reduces the useable yard area on the Property, and the strict application of the Borough of Audubon land development ordinance would result in peculiar and practical difficulties to and exceptional and undue hardship upon the Applicant.

6. The Board further finds that such variance relief will not substantially impair the intent and purpose of the zone plan or zoning ordinance and that the granting of such relief will not operate as a substantial detriment to the public good.

7. The Applicant's testimony, as set forth above, is hereby incorporated in these findings of fact.

8. The Joint Land Use Board of the Borough of Audubon grants approvals for the bulk variances and the erection of fencing as described herein and in the Applicants' submissions to the Board.

NOW THEREFORE BE IT RESOLVED that the application of Zachary Hemple for bulk variance approvals as described herein is hereby approved as noted above.

BE IT FURTHER RESOLVED that the approvals are expressly conditioned and contingent upon (a) the Applicant complying with all testimony, submissions and representations made at the time of the public hearing; (b) the Applicant obtaining any and all necessary permits and outside agency approvals; and (c) the Applicants complying with any and all comments and

conditions identified within the report dated October 2, 2025 prepared by Steven M. Bach, P.E., P.P., C.M.E. including, but not limited to, the requirement that the Applicant ensure that all fencing will be located on or within the Property lines without encroaching into the public right-of-way.

BE IT FURTHER RESOLVED that the Applicant ensure compliance with all the other terms and conditions of the Zoning Ordinance and Building Code of the Borough of Audubon, and the Statutes of the State of New Jersey.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Applicant following its adoption.

The foregoing is a true and memorializing resolution adopted by the Borough of Audubon Joint Land Use Board and is in accordance with its decision at its regular monthly meeting of December 10, 2025.

The effective date of this Resolution shall be February 11, 2026.

AUDUBON JOINT LAND USE BOARD



DAN GASPARI, ACTING CHAIRMAN

Dated: February 11, 2026

CERTIFICATION

I hereby certify that the foregoing resolution is a true memorialization of the Joint Land Use Board hearing on this application held on December 10, 2025, as memorialized by the Joint Land Use Board of the Borough of Audubon at the regular meeting of the Joint Land Use Board held on February 11, 2026.

Dated: February 11, 2026


STEPHANIE JENNETTA, SECRETARY