

**IN THE MATTER OF THE APPLICATION OF
KYLE ABBOTT & AMANDA HERTLER**

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

**504 WALNUT AVENUE
BOROUGH OF AUDUBON, NJ
BLOCK 131 – LOTS 48 & 49**

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

RESOLUTION NUMBER 2025-05

WHEREAS, Kyle Abbott and Amanda Hertler, whose address is 504 Walnut Avenue, Audubon, New Jersey 08106, hereinafter referred to as the “Applicants”, are the owners of the property located at 504 Walnut Avenue, Audubon, New Jersey, which property is designated on the Tax Map of the Borough of Audubon as Block 131, Lots 48 and 49, hereinafter referred to as the “Property”; and

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

WHEREAS, the Property consists of an irregularly shaped, interior lot with eighty feet (80’) of frontage on Walnut Avenue, an eastern lot line extending 81.07 feet, a western lot line extending 128.70 feet to the rear of the Property and an angled rear lot line which spans 93.10 feet connecting the eastern and western lot lines, upon which is situate a one and one-half-story, detached, single-family residential dwelling, a concrete ribbon driveway, a detached shed, walkways, and associated site improvements; and

WHEREAS, the Property currently includes preexisting, nonconforming conditions, *to wit*: the front yard setback on the Property is 14.4 feet where, pursuant to Ordinance § 113-

382(3)(b)(1), the minimum required front yard setback is 20 feet; and the side yard setback on the western side of the home is 2.8 feet where, pursuant to Ordinance § 113-382(3)(b)(2)(i), the minimum required side yard setback is 5 feet; and

WHEREAS, the Applicants propose to construct a two-story, rear addition along with a detached garage; and

WHEREAS, the Applicants' proposed construction will result in (a) an intensification of the side yard setback nonconformity by the extension of that nonconforming 2.8 foot side yard setback to the rear of the Property; (b) an encroachment into the minimum required rear yard setback area; and an increase over the maximum permitted building coverage, all of which require bulk variance relief pursuant to N.J.S.A. 40:55D-70(d); and

WHEREAS, the Applicants' proposal, therefore, requires bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) permitting: (a) a side yard setback of 2.8 feet where, pursuant to Ordinance § 113-382(3)(b)(2)(i), the minimum required side yard setback is 5 feet; (b) a rear yard setback of 21.6 feet where, pursuant to Ordinance § 113-382(3)(b)(3), the minimum required rear yard setback is 25 feet; and (c) building coverage totaling 27.7% where, pursuant to Ordinance § 113-382(3)(c)(1), the maximum permitted building coverage is 25%; 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, October 8, 2025 with the following members being

present: Mayor Robert Jakubowski; Commissioner David Alemi; Chairman David Thompson; Vice-Chairman, Mark Owens; James Kindya; Dan Gaspari; James Rossell, Jr.; Kevin Moran; 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 Dawn Coleman, Secretary for the Joint Land Use Board; and

WHEREAS, the Applicants submitted with this Application the following:

- a. Borough of Audubon Land Development Application dated August 21, 2025.
- b. Property Deed dated November 17, 2015.
- c. Receipt evidencing payment of taxes dated August 18, 2025.
- d. Escrow Agreement.
- e. Property Survey prepared by John Donovan, PLS of Donovan Surveyors Land Surveying & Planning entitled "Survey of Premises, 504 Walnut Street, Situate in Audubon Borough, Camden County, New Jersey" dated April 29, 2025 consisting of one (1) sheet.
- f. Project & Zoning Data Plan prepared by Colour Architecture & Design entitled "504 Walnut Addition" and labeled as Sheet G001 dated August 20, 2025 consisting of one (1) sheet.
- g. Proofs of Service and Publication of Public Notice; and
- h. 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 were the Applicant, Kyle Abbott and Amanda Hertler, along with the project architect, Matthew

Coulombe, R.A., 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 Applicants and their representative regarding the application, with such testimony being provided as follows:

1. The Applicants seek bulk variance approval to allow them to construct a rear, two-story addition on to their existing home.
2. The Applicants also propose the construction of a new detached garage.
3. As part of the construction, the Applicants will be demolishing the existing rear patio and deck and a portion of a rear walkway.
4. The Property is irregularly shaped and includes a rear lot line that is sloped or diagonal.
5. If the rear lot line were perpendicular to the side lot lines, rear yard setback relief would not be required.
6. The 2.8 foot setback on the western lot line is an existing condition which the Applicants propose to maintain and extend to the rear with the addition following the same building line and being set back identically to the setback to the existing home.
7. The building coverage relief requested is minimal, consisting of only 2.7% over the maximum permitted building coverage.
8. If the Property were standard rectangular shape, the proposal would comply with the maximum permitted building coverage.
9. The front yard setback is an existing, nonconforming condition which is not being exacerbated by the current proposal.

10. The Applicants are agreeable to submitting a grading plan to the Board Engineer which demonstrates to the satisfaction of the Board Engineer that the proposed improvements will not have a negative impact on the adjacent properties, and which will be subject to the Board Engineer's review and approval as a precondition to the issuance of construction permits for the project.

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 David Thompson and seconded by Dan Gaspari 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 nine in favor and zero opposed (9-0) 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
Commissioner Alemi:	Yes
David Thompson:	Yes
Mark Owens:	Yes
Dan Gaspari:	Yes
James Kindya:	Yes
James Rossell, Jr:	Yes
Michael Sullivan:	Yes
Kevin Moran:	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 Applicants are the owners of the Property and, thus, have standing to pursue the variance relief described herein.
3. The Applicants seek bulk variance relief (a) from Ordinance § 113-382(3)(c)(1) permitting building coverage totaling 27.7% where the maximum permitted building coverage is 25%; (b) from Ordinance § 113-382(3)(b)(2)(i) permitting a side yard setback of 2.8 feet where the minimum required side yard setback is 5 feet; and (c) from Ordinance § 113-382(3)(b)(3) permitting a rear yard setback of 21.6 feet where the minimum required rear yard setback is 25 feet.
4. The Applicants have 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 Applicants have 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 unusual shape of the Property combined with the structures lawfully existing on the Property, the strict application of the Borough of Audubon side yard setback requirement, rear yard setback requirement and building coverage allowance contained within the land development ordinance would result in peculiar and practical difficulties to and exceptional and undue hardship upon the Applicants.

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 construction of improvements as described herein and in the Applicants' submissions to the Board.

NOW THEREFORE BE IT RESOLVED that the application of Kyle Abbott and Amanda Hertler 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 Applicants complying with all testimony, submissions and representations made at the time of the public hearing; (b) the Applicants 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 the requirement that the Applicants submit a grading plan to the Board Engineer which demonstrates to the satisfaction of the Board Engineer that the proposed improvements will not have a negative impact on the adjacent properties, and which will be subject to the Board Engineer's review and approval as a precondition to the issuance of construction permits for the project.

BE IT FURTHER RESOLVED that the Applicants comply 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 October 8, 2025.

The effective date of this Resolution shall be November 12, 2025.

AUDUBON JOINT LAND USE BOARD

Dated: November 12, 2025



DAVID THOMPSON, CHAIRMAN

CERTIFICATION

I hereby certify that the foregoing resolution is a true memorialization of the Joint Land Use Board hearing on this application held on October 8, 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 November 12, 2025.

Dated: November 12, 2025



DANIELLE INGVES, SECRETARY