

**SUPPLEMENT TO APPLICATION FOR USE VARIANCE TO THE
EVESHAM TOWNSHIP ZONING BOARD OF ADJUSTMENT**

APPLICANT: Belly Rubs Senior Dog Sanctuary, Inc.- a NJ non-profit entity

**Submitted by Attorneys for Applicant
Alan P. Fox Esq
Capehart & Scatchard, P.A.
8000 Midlantic Drive, Suite 300S
Mt. Laurel, NJ 08054
Direct Phone: [REDACTED]
Email: [REDACTED]**

RECEIVED

APR 08 2025

225-09

Date: April 7, 2025

Site Area: Block 38 , Lots 8.01, 9.01 and 10

Zoning Districts: RD-1 (Rural Development 1)

General information

Owner: Gregory and Stephanie Fox

Applicant: Belly Rubs Senior Dog Sanctuary, Inc, a NJ non-profit entity

Property: 175 Taunton Lake Road, Marlton, New Jersey 08053

Block 38, Lots 8.01. 9.01 and 10

Relationship of Applicant to owner: Applicant is an affiliated non-profit entity, proposed tenant and proposed operator of dog shelter for senior dogs

APPLICANT'S PROFESSIONALS:

Attorney:

Alan P. Fox Esquire
Capehart & Scatchard
8000 Midlantic Drive, Suite 300S
Mt. Laurel, New Jersey 08054
Phone: [REDACTED]
Email: [REDACTED]

Civil Engineering:

Thomas J, Fik, PE
Carroll Engineering
105 Raider Boulevard, Suite 206
Hillsborough, NJ 08844
Phone: [REDACTED]
Email: [REDACTED]

Professional Planner:

Mark A. Remsa, PP, LLA, AICP, ASLA
Professional Planner -Landscape Architect
10 Dewberry Court
Mt. Laurel, New Jersey 08054
Phone: [REDACTED]
Email: [REDACTED]

INFORMATION FOR RELIEF FOR A USE VARIANCE

PROPOSAL

The Applicant is seeking a use variance for the Subject Property. Applicant is proposing to convert an existing dog kennel on lot 8.01 to a dog sanctuary (shelter) for the residency and adoption of older dogs, as an overflow for local dog shelter. This Application is not intended to include a review for bulk variances or site plan because the application is for a use variance only. The Applicant understands that any approval of the Use Variance may be conditioned upon a subsequent application for site plan approval with bulk variances.

If the use variance is granted, Applicant is proposing improvements on lot 8.01 to include interior renovation to the existing kennel building and minor site improvements to include a new shed, dumpster enclosure, gravel area and raised AC Units. No changes are proposed to the exterior of the existing dog kennel structure.

The improvements on lot 10 (the existing single family-dwelling will continue as same) are limited to adding new fencing for dog runs, a split rail fence along street frontage and a new septic system for the single-family dwelling. The dog runs are proposed on lot 10 because the state regulations of environmentally sensitive areas (floodway and flood hazard areas) prohibits such improvements on lot 8.01. Such dog runs will not interfere with the permitted use of the single-family dwelling.

No improvements are proposed on the vacant lot 9.01 which will remain as open space.

MISSION STATEMENT FOR BELL RUBS SENIOR DOG SANCTUARY

Belly Rubs Senior Dog Sanctuary, Inc. is a 501(c)(3) non-profit safe haven for homeless senior dogs. Our mission is to provide a calm, restful retreat for older dogs that have been lingering in local animal shelters. Removing these dogs from overcrowded shelters accomplishes two things: senior dogs will be placed in a quieter, more serene location while they await their forever homes. Relocating these older dogs to Belly Rubs from area shelters opens more space in their kennels for more adoptable, younger dogs.

With over 10 acres of land, life at Belly Rubs will provide our senior dogs with lives of leisure. At our sanctuary, our senior dogs will enjoy guided walks on wooded trails, hours of relaxation in our various fenced areas, laying in the shade by the creek, or simply resting in the sun. Belly Rubs will always be full of love, support, walks, rubs, treats, and more! All senior dogs at Belly Rubs are adoptable. Every senior dog comes to us with a story. Our mission is to give these dogs their happy endings.

Greg Fox is the owner of the subject properties. Greg and his family will reside in the single-family home on lot 10. Greg intends to be the owner, manager and day-to day operator of the proposed dog sanctuary. Greg is a current member of the Board of Directors for the Voorhees Animal Orphanage and has 3 years of experience overseeing the staff and supervising the cleaning of all kennels and cages, as well as feeding, dispensing of medications, and socialization/exercise of senior dogs.

HISTORICAL USES AND PROPOSED CHANGES TO SUBJECT LOTS

Summary of Historical use - Lot 10

- Existing three (3) bedroom residential dwelling and paved driveway
- Dwelling footprint is approximately 2,500 SF
- Owner intends to use and occupy the property as a single-family residence
- Currently – existing water well and onsite aging septic system

Proposed Use and Changes- lot 10

- Applicant proposes to install new septic system as a condition for approval
- Owner intends to use and occupy the single-family residence
- Greg Fox will manage and work at the proposed Dog Sanctuary

- Owner supports the proposed parking area for four (4) vehicles at end of paved driveway and two (2) additional vehicle parking spaces in the driveway to support the operation of the Dog Sanctuary. The driveway will continue to have a 13 feet travel width for vehicle passage.
- Owner supports the addition of the proposed dog runs on Lot 10 consisting of a 6 foot high chain linked fence, located in the maintained lawn area, with a 300-foot wetland transition area, with no significant adverse impact to the environment.

Summary of Historical use - Lot 8.01

- There is an existing dog kennel structure
- Upon information and belief, the prior owner operated the dog kennel on lot 8.01
- There is an existing walking path between the residential lot 8.01 and the existing dog kennel on lot 10
- There is an approved and installed septic system supporting the kennel, designed to service over 50 dogs

Proposed Use and Changes- lot 8.01

- Applicant proposes renovating the existing kennel structure
 - Second floor will include office space and a bathroom
 - First floor will include a maximum of 50 senior dog kennels; Storage area; existing grooming area and existing reception area
 - See proposed floor plan
- Propose site improvements on lot 8.01 to include:
 - Additional grave area for turnaround for solid waste trash truck
 - Dumpster enclosure
 - Shed
 - Raised AC units
- Proposed site improvements of 799 square feet of new impervious coverage does not require a Pinelands Commission permit or approval since these improvement as less than 1,000 square feet.
- No changes proposed for the exterior of the existing kennel
- No changes proposed to the footprint of the existing kennel

Lot 9.01

- Vacant land, undeveloped and land locked
- No development proposed on lot 9.01
- This lot will be maintained as open space

Proposed Operations:

- Monday – Friday, 7:30 a.m. – 7 p.m.
Adoption by appointment only

- Saturday/Sunday: 7a.m. – 7 p.m.
Adoption by appointment only

Employees:	Administrative staff	2
	Management	1
	Total onsite	3

Visitors:	volunteer dog walker	2/shift with 2 shift per day
	Veterinarian	1/week
	Fed Ex-type Deliveries	2/week
	Solid waste/trash truck	2/week
	Miscellaneous supplies	1/day, 7/week
	<u>Adoption by appointment only</u>	

REASONS FOR RELIEF FOR USE VARIANCE

To obtain the use variance pursuant to N.J.S.A. 40:55D-70, the Applicant will present sufficient evidence to satisfy both the positive and negative criteria embodied in N.J.S.A. 40:55D-70(d)(1)

The single-family detached dwelling on lot 10 is a permitted use in the RD-1 zone under Section 160-57(B)(2) of the Evesham Zoning Ordinance, which residential use will continue. Accessory uses in the RD-1 zone under Section 160-57(D)((4)(5) includes off street parking and fencing. Here, the Applicant proposes to add off street parking and fencing for the dog runs on lot 10 to support the proposed dog sanctuary on the adjacent lot 8.01.

The proposed dog shelter is not listed as a permitted use under Section 160-57(B)(2) of the Evesham Zoning Ordinance. However, the proposed dog shelter will be located in the pre-existing dog kennel structure on lot 8.01. The operation of the proposed dog shelter is a similar low intensity use as the former dog kennel operation on lot 8.01. The proposed dog shelter's impact is similar to a farm stable [which is a permitted accessory use under Section 160-57(D)(7)] , since both have minimal impact on public services, generate minimal traffic and promote the policy to preserve open space and environmental conditions at the subject properties.

INHERENTLY BENEFICIAL USE

A community shelter for developmentally disabled persons and for victims of domestic violence have been recognized by the New Jersey Supreme Court as an inherently beneficial uses for purposes of satisfying the “positive criteria” necessary to obtain a use variance. See, Sica v Board of Adjustment of Twp. of Wall, 127 N.J. 152, 165(1992). Other examples of inherently beneficial which involves a shelter for people includes a private, for-profit senior citizen congregate-care facilities, Kunzler v. Hoffman, 48 N.J. 277, 288, 225 A.2d 321 (1966); Jayber, Inc. v. Township of W. Orange, 238 N.J.Super. 165, 174-75, 569 A.2d 304 (App.Div.1990); a 120-bed nursing home, Urban Farms, Inc. v. Borough of Franklin Lakes, 179 N.J.Super. 203, 212, 431 A.2d 163 (App.Div.), *certif. denied*, 87 N.J. 428, 434 A.2d 1099 (1981); a private day-care nursery, Three L Corp. v. Newark Board of Adjustment, 118 N.J.Super. 453, 457, 288 A.2d 312 (Law Div.1972); and a tertiary sewage treatment plant to serve a commercial trailer park, Wickatunk Village, Inc. v. Township of Marlboro, 118 N.J.Super. 445, 452, 288 A.2d 308 (Ch.Div.1972).

Similarly, a non-profit dog shelter dedicated to senior dogs serves an important public policy and can easily be deemed as an “inherently beneficial use” to satisfy the “positive criteria”, as explained in more detail below. Here, the citizens of Marlton and surrounding communities will be served by the proposed senior dog shelter since it will implement and promote the stated public policy to protect dogs under the Evesham ordinance:

- The proposed dog sanctuary fits squarely in the definition of “shelter” under Section 67-1. “Shelter” is defined to mean “any establishment were dogs are received, housed and distributed” The term “Habitable Building” also includes “an individual shelter for animals such as a doghouse or outdoor kennel”.
- The proposed dog sanctuary will implement and promote the policy of the Township under Section 67-10 which provides:

A. Provide a central agency for the rapid reuniting of lost dogs and their owners.”

The proposed senior dog shelter will offer senior dogs a changes to find new adopting owners.

B. Provide facilities for the quick removal of unwanted dogs from the community.”

Senior dogs are often not adopted and take up space in dog shelters. The proposed senior dog sanctuary will offer unwanted senior dogs a safe and suitable home and free up space for younger dogs for adoption in animal shelters.

C. Enable as many unclaimed dogs as possible to be placed in new homes and provide for the humane destruction of unwanted dogs.

The proposed senior dog sanctuary serves this very important policy by providing unclaimed senior dogs with a safe, clean and relaxing environment, without destroying the dog and offers the possibility of finding a caring adopting family.

D. Provide clean comfortable shelter and adequate food and water for the animals impounded.

The proposed senior dog sanctuary fits squarely in this specific humane policy by offering a clean and comfortable shelter, with adequate food and water for unwanted senior dogs, as well as daily exercise and a caring staff to cater to their needs.

E. Protect the rights of dog owners.

The proposed senior dog sanctuary will offer a safe haven for dog owners that experience an unfortunate life changing event making their continued care for a senior dog difficult or impractical (such as death, illness, divorce or personal injury).

F. Provide protection of the rights of citizens of the community against careless or thoughtless dog owner

The proposed senior dog sanctuary will offer a safe haven for dog owners that neglect the daily care of a senior dog.

SATISFYING POSITIVE AND NEGATIVE CRITERIA FOR USE VARIANCES

Positive Criteria

Special Reasons – Promote the intent and purpose of the Municipal Land Use Law (MLUL) N.J.S.A. 40:55D-2. The following subparts of this statute are applicable to this Application:

c. To provide adequate light, air and open space.

- The proposal *provides adequate air, light and open space* because it proposes no increases in impervious surfaces. The majority of the property includes open lawn areas and wooded areas, which will not be disturbed. The existing wooded areas also provide adequate landscape buffer to surrounding properties (residential use to west, the Camp Creek Run to the east and wooded area to the rear).

g. *To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.*

- The property has a history of being used as a dog kennel.
- This location is particularly suitable for the proposed dog sanctuary since it provides sufficient open space to walk and exercise the dogs, as well as natural woods to buffer any impact to adjacent properties.
- The adjacent residential property will be occupied by Greg Fox, who intends to manage and operate the proposed dog sanctuary

i. To *promote a desirable visual environment* through creative development techniques and good civic design and arrangement.

- The proposal includes a 6-foot fence around the dog run as part of the operation to allow the dogs to exercise and socialize with other dogs. The proposed dog runs is part of a civic designed area to encourage potential adopting families to meet and interact with the senior dogs for adoption.
- Existing landscape buffering will continue to buffer any adjacent properties
- The existing kennel building will be improved and made more attractive and functional.
- The proposal will include a new split rail fence along the frontage with Taunton Lake Road to promote a desirable visual environment.

j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to *prevent urban sprawl and degradation of the environment through improper use of land.*

- The proposal is to utilize an existing dog kennel which is the proper use of the land.
- No additional pavement or impervious surfaces are proposed.
- The existing 3-bedroom residential property will be occupied by the owner.
- The proposed dog shelter preserve the existing open space, wooded areas, stream and is compatible with the sensitive environmental conditions
- prevents urban sprawl

m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the *more efficient use of land.*

- Clearly, continuing the residential use of a property on lot 10, maintaining the open space on lot 9.01 and improving and utilizing the existing dog kennel on lot 8.01 as part of the dog sanctuary is a more efficient use of this land.

a. To encourage municipal action to guide the appropriate use or development of all land in this State, in a manner which will *promote the public health, safety, morals, and general welfare.*

- Given the foregoing factors, the proposed use promotes the public health, safety, morals and general welfare, as well as the Townships stated polices to promote a safe environment for unwanted dogs.

Site Suitability – Must demonstrate the site is particularly suited for the proposed use.

- The site contains an existing residential dwelling (to be occupied by the owner), an existing dog kennel, a paved walking path between the lots 10 and 8.01 for access to the proposed dog sanctuary and sufficient open space for walking and exercising dogs.
- The existing wood area provide a natural landscape buffer to adjacent properties (residential to the east, a campground to the west and wooded area to the rear/north).
- The site is located along a county road providing excellent access to the proposed dog sanctuary and easily accessible to the residence of Evesham Township and surrounding communities.
- The site is surrounded by adjacent properties with open space and wooded areas that are compatible with the proposed use.
- These conditions make the site highly suitable for the proposed dog sanctuary.

Negative Criteria

No Substantial Detriment to the Public Good

- The proposal accrues **no** substantial detriment to the public good.
- The proposed use will have no negative impacts on surrounding properties.
- The operation for the proposed dog sanctuary will be in compliance the Pinelands regulation under N.J.A.C. 7:50-6.7 since the Applicant will offer testimony that will be no significant adverse impact to the environment or ground water.

SUBMISSION WAIVERS

Most of the items on the submission check list apply to a site plan application and not for a use variance. Below are reasons to support the submission waivers for this application for use variance

ITEM:

7- Tree protection management plan

No trees are proposed for removal.

8. Traffic impact statement

The proposed use will be low intensity and will not generate significant traffic.

9. Environmental Assessment report

No known site contamination requires a Phase I environmental assessment

10 EIS

Impacts to environmentally sensitive areas are minimal. Proposed improvements located within actively maintained or disturbed areas.

13. Utility plan

Lots 10 and 8.01 are served by private wells and septic systems.

14. Vehicle and pedestrian circulation plan

No substantial change to vehicle and pedestrian patterns and parking areas

22 drainage plan

No change to existing surface drainage patterns. No proposed drainage improvements.

23 open space plan

The project does not propose any negative impact on open spaces, parks, or conservation areas

26 landscape plan

No substantial grading and landscaping are proposed. Existing trees to remain.

27 lighting plan

No new lighting is proposed