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September 11, 2024

Chair Thomas, and Board Members
Evesham Township Zoning Board
984 Tuckerton Road
Marlton, New Jersey 08053

Re: Evesham Township Zoning Board
William Narozanick
Application #Z24-14
Minor Subdivision – Lot Line Adjustment
77, 79, & 80 Hopewell Road
RD-2 Rural Residential
Block 55, Lots 3, 3.17, & 3.18
Minor Subdivision Review
Use Variance / Bulk Variance Request
Planner's Report
Our File No: A-1398-0027-000

Dear Chair Thomas and Board Members:

We have reviewed the Land Development Application (dated June 3, 2024) and Minor Subdivision Lot Line Adjustment Plan (prepared by James Sassano Associates, dated February 10, 2023, revised May 1, 2024) for the 77, 78, & 80 Hopewell road tract and are familiar with the 86.69-acre site. The applicant previously received approval for a similar application (#ZB-18-36), but was never perfected. The property is currently three lots, and the applicant is proposing a Minor Lot Line Adjustment to create three new lots. Proposed Lot 3.19 is 8.51-acres and contains two single-family dwellings. Proposed Lot 3.20 is 40.78-acres and contains two single-family dwellings. Access from Hopewell Road to Lots 3.19 and 3.20 is via existing ingress/egress easement. Proposed Lot 3.21 is 37.40-acres and is to be deed restricted from any further development. The subject property is located within the RD-2 Rural Residential Zone and surrounded by similar single family uses. The property is located within the Pinelands and has a Pinelands Certificate of Filing. The applicant is proposing two single family homes on Lots 3.19 and 3.20, where only one residential building is permitted on each lot, therefore a Use Variance is required.

Variance Requests:

1. Section 160-29A of the Ordinance states that no lot shall have more than one freestanding residential building on it where the applicant is proposing two single family homes on Lots 3.19 and 3.20. **The applicant requires a Use Variance for both Lot 3.19 and 3.20.** It should be noted that despite two residential dwellings

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on each lot, the lot area density requirement of 4-acres per residential lot has been met.

2. Section 160-12 of the Ordinance requires that all lots for single-family detached houses be contiguous for a distance of at least 25 FT to an improved public street. Proposed Lots 3.19 and 3.20 do not have access to an improved public street. There is an access easement to Lots 3.19 and 3.20 from Lot 3.21. **A variance is required.**
3. Section 160-58.E(1) of the Ordinance requires a 75-foot front yard setback where 35-feet exists on proposed Lot 3.19 and 66.9-feet exists on proposed Lot 3.20. These are existing non-conforming conditions. **We defer to the Board Attorney if a bulk variance is required.**
4. Section 160-58.E(1) of the Ordinance requires a 50-foot rear yard setback where proposed Lot 3.19 has rear yard setbacks of 33.4-feet and 34.9-feet to the two dwellings. These are existing non-conforming conditions. **We defer to the Board Attorney if a bulk variance is required.**

Our comments:

5. The applicant is requesting a use variance related to MLUL 40:55D-70d. As the Zoning Board is well aware, these variance requests may be granted based on proofs presented by the applicant, with determination that the proofs are met. The applicant must convince the Board of **all** of the following:
 - a. There are “special reasons” why the use should be permitted in a zone where it is not allowed under the Ordinance. The elements of “special reasons” are:
 - The proposed project carries out a purpose of the Zoning; or
 - Refusal to allow the project would impose on the applicant an undue hardship.
 - b. The proposed site is particularly suited for the proposed use.
 - c. An “enhanced quality of proof”
 - The variance being requested will not be inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance.
 - There is a valid reason why the variance should be granted despite the fact that it is not permitted under the Zoning Ordinance.
 - d. An applicant for a “use variance” must also satisfy the “negative criteria”:
 - If the variance is granted there will not be a substantial detriment to the public good; and
 - The granting of the variance will not substantially impair the intent and purpose of the Zone Plan and Zone Ordinance.

6. The applicant is requesting variances related to MLUL 40:55D-70c, known as c. or bulk/dimensional variances. As the Zoning Board is well aware, these variance requests may be granted based on proofs presented by the applicant, with determination that the proofs are met.

Firstly, the applicant must convince the Board one of the following is met:

- a) There is an undue hardship in requiring compliance with the ordinance relating to the peculiar physical condition or shape of the property; or
- b) There will be a benefit to the zoning per MLUL, and the benefit will substantially outweigh the detriment.

Secondly, the Board must be convinced there will not be a substantial detriment to the public good, and by granting the variance(s), there will not be substantial impairment to the intent and purpose of the Evesham zone plan and zoning ordinance.

- 7. Applicant to provide testimony to the Access Easements for proposed Lots 3.19 and 3.20.
- 8. Applicant to provide testimony to the Deed restriction for proposed Lot 3.21.
- 9. Applicant to present testimony to Wetlands and respective buffers on the subject property.

Should you need additional information, please contact us.

Very truly yours,

ALAIMO GROUP



Richard Hunt, PP, AICP
Senior Project Manager

- c: Evesham Township Zoning Board Members
Kevin Rijs, Director of Community Development
Matt Wieliczko, Esq., Board Solicitor
Jennifer Newton, Administrative Officer/Board Secretary, Evesham Township
Rakesh Darji, PE, PP, CME, Board Engineer
Stacy Arcari, PE, Board Traffic Engineer