



Township of Evesham.

www.evesham-nj.org

984 Tuckerton Road • Marlton • NJ 08053 • 856-983-2900 • [Township Code](#)

Land Development Application Form

Use this form for **Residential** variance/s for pools, sheds, fences, or additions.

The application must be filed with the board **at least 20-days prior** to the hearing date.

Application Fee is Nonrefundable.

SEP 23 2024

Application Fee (94-10): \$150
Escrow (initial deposit): \$600

Date received: _____
PB or ZBA #: 224-21
HPC App #: _____

If you are not familiar with the [Township Zoning Code \(Ch. 160\)](#), please see the Township Administrative Officer for assistance or visit the Community Development webpage:

<http://www.evesham-nj.org/index.php/forms-comm-dev> or

[Application Checklists: Attachments to Chapter 94 Land Use Regulations](#)

1. SITE INFORMATION

ZONE DISTRICT:

Property Address: 25 Brandywine Dr. Marlton, NJ

Block/s: 3.01 Lot/s: 33

Development Name: Woodstream Home Owners Association: YES NO

Is the property within the [Pinelands](#). YES NO

Present Use: Live in Residential Proposed Use: Pool

2. APPLICANT/OWNER INFORMATION

Applicant Name: Michael & Terese Neerney

Mailing Address: 25 Brandywine Dr. Marlton, NJ 08053

Phone #: _____ Email: _____

Form of Ownership: Individual Partnership Corporate
 Government Nonprofit Utility

If applicant is not the owner, state applicant's authority to bring this application and specific interest in application (i.e. agent for owner, equitable interest, agreement of sale): _____

Property Owner Name: _____

Property Owner Address: _____

Phone #: _____ Email: _____

3. APPLICATION TYPE: Check as many items as applicable.

- Bulk Variance Use Variance Conditional Use
- Informal Review Interpretation of Zoning Map or Ordinance
- Appeal of Decision Waiver of Development Standards
- Other (describe) _____



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4. ROADWAY JURISIDCTION:

NJ State County Route Municipal Road

5. PROPERTY DIMENSIONS:

a. Total Area in square feet or acres: 1/4 Acre b. Frontage in feet: _____
c. Corner property: Yes or No

6. SITE PLAN INFORMATION:

	Existing	Proposed	Required
a. Minimum Lot Area (sf) or acres	_____	_____	_____
b. Building coverage limit (%)	_____	_____	_____
c. Front Yard Setback (ft)	_____	_____	_____
d. Side Yard Setback (ft)	_____	<u>6ft</u>	<u>15ft.</u>
e. Rear Yard Setback (ft)	_____	<u>4ft</u>	<u>15ft.</u>
f. Frontage (ft)	_____	_____	_____
g. Impervious coverage limit (%)	_____	_____	_____
f. Clearing Limits (%)	_____	_____	_____

Type of Building Construction: Brick Frame Other

Architectural Style: _____

NOTES: Request for Pool in backyard to be kept in same spot. Pool Attached to deck.

7. VARIANCES: Complete for variance applications. [Public Notice \(15-16\)](#) must be completed by the applicant in compliance with the requirements of the New Jersey Municipal Land Use Law. A copy of the public notice and proof of service are required.

A. Briefly describe each variance requested and provide Zoning Code Section from which relief is being sought: Code 62-62 - To keep existing Above ground pool in ORIGINAL location

B. If a "d" variance is requested, what are the special reason(s) which support your application: (This type of variance can only be heard by the Zoning Board of Adjustment) To move pool would leave gap in deck. Pool was already in place when we purchased the house. Not aware permits were not obtained by previous owner.

C. If a "c" variance is requested, what are the exceptional property conditions which prevent you from complying with the zoning ordinance? _____



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D. If a "c" variance is requested and you contend there are no exceptional property conditions, how will the Municipal Land Use Act be advanced if the variance were to be granted and how would the benefits of a variance outweigh any detriment? _____

E. Supply a brief statement of facts showing why the requested variance can be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the Township's zoning plan and zoning ordinance: _____

Attached

8. INTERPRETATION - APPLICATION: For Zoning Board of Adjustment only.

Attach a statement of contentions and provide Code Section(s) in question.

9. APPEAL DECISION OF ZONING OFFICER OR BUILDING INSPECTOR - APPLICATION:

Attach a statement which includes the following: (1) Description of the order, determination or decision being appealed (hereinafter called "adverse ruling"), (2) Name and Title of enforcing officer, (3) Date adverse ruling was issued, (4) Date applicant received adverse ruling, (5) Why you allege the adverse ruling is in error, (6) The relief you are seeking, and (7) If the adverse ruling is upheld, do you request that a variance be considered?

10. OTHER AGENCIES OR PRIOR APPROVALS REQUIRED:

Agency	Yes or No	Date Submitted
A. Burlington County Planning Board		
B. Burlington County Soil Conservation		
C. Pinelands Commission		
D. NJ Department of Transportation		
E. NJ Department of Environmental Protection		
F. Other: (Describe)		

11. SUBMISSION ITEMS: Plans, surveys, photos, reports, & other items included with application.

Item/Exhibit	Date/Last Revision	Prepared By
Photo #1	9/19/24	T. Nerney
Photo #2	9/19/24	T. Nerney
Photo #3	9/19/24	T. Nerney



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12. SUPPLEMENTAL INFORMATION:

A. Have there been any previous applications for this property filed with the Planning Board or Zoning Board?

Planning Board: Yes No Zoning Board: Yes No

B. Describe any deed restrictions affecting the property: N/A

C. Describe any proposed deed restrictions: N/A

D. Describe any easements or rights of way affecting the property: N/A

E. Describe any easements or rights of way proposed by the applicant: N/A

13. CORRESPONDENCE: In addition to the applicant, to whom should Township and/or the Board Professional/s correspondence be sent?

Name: _____ Address: _____
Name: _____ Address: _____
Name: _____ Address: _____

14. APPLICANT PROFESSIONAL & EXPERT WITNESS LIST:

A. Name & Profession (Attorney, Engineer, Planner etc): _____
Mailing Address: _____
Phone #: _____ Email: _____

B. Name & Profession (Attorney, Engineer, Planner etc): _____
Mailing Address: _____
Phone #: _____ Email: _____

C. Name & Profession (Attorney, Engineer, Planner etc): _____
Mailing Address: _____
Phone #: _____ Email: _____



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15. CERTIFICATIONS:

A. TAX COLLECTOR CERTIFICATION ([Proof of Payment](#))

It is hereby certified that all taxes, municipal liens, and utility charges for the address and block and lot below are paid and current as of 9-25-24.

Address: 25 Brandywine Dr. Marlton NJ

Block/s: 3.01

Lot/s: 33

Property Owner: Michael & Terese Nerney

David McNally, Deputy Tax Collector
Evesham Township Tax Collector Signature and Date
9-25-24

B. APPLICANT CERTIFICATION:

The undersigned certify they are the applicant(s) named in the foregoing application or the undersigned certify they are legally authorized to submit the foregoing application and may sign this Certification on behalf of the applicant. The undersigned certify the information stated in the foregoing application and submissions made therewith are true and correct. If any of the foregoing statements are willfully false, the undersigned understand they are subject to punishment.

[Signature] 9/20/24
Applicant Signature Date

[Signature] _____
Applicant Signature Date

Print Name: Terese Nerney
Print Title: Owner

Print Name: Michael Nerney
Print Title: owner

C. OWNER CERTIFICATION:

The undersigned hereby certify that he/she/it/they is/are the owner(s) of the property which is the subject of the foregoing application and that the applicant named therein has been authorized to submit said application to the Planning Board or Zoning Board of Evesham Township. The undersigned certify he/she/it/they is/are said owner(s) or is/are legally authorized to sign this certification on behalf of the owner. The undersigned realize that if any of the foregoing statements are willfully false, he/she/it/they is/are subject to punishment

[Signature] 9/20/24
Owner Signature Date

[Signature] _____
Owner Signature Date

Print Name: Terese Nerney
Print Title: OWNER

Print Name: Michael Nerney
Print Title: OWNER

RECEIVED

Z 24-21
"C" Varany

SEP 23 2024



Township of Evesham.

<https://evesham-nj.org/>

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D. AGREEMENT TO PAY FEES: This agreement, made and entered on 9/23/2024 by and between the Township of Evesham, a Municipal Corporation of the State of New Jersey (hereinafter TOWNSHIP) and TERESE AND MICHAEL MCKERNEY (hereinafter DEVELOPER), is made upon the following terms & conditions.

INFORMATION AND CONTACT/S: Entity responsible for escrow

Project Name: _____

Applicant Name: Terese McKerney Escrow Contact Name: _____

Applicant/entity name responsible for the escrow must match the name submitted on the W9

Phone # [REDACTED] Email: [REDACTED]

Applicant Mailing Address: 25 Brandywine Dr. Marlton, NJ 08053

Notice: DEVELOPER agrees that all notices or refunds shall be mailed to the following address (note if different to above): N/A

1. Agreement to Pay Fees: DEVELOPER hereby covenants and agrees to pay all charges and fees imposed by the TOWNSHIP in connection with the application for development filed contemporaneously herewith. Such fees include, but are not limited to, application fees, attorney review fees, engineer review fees planner review fees, copy costs and postage applicable to this application.

2. Escrow Deposit: TOWNSHIP hereby acknowledges receipt of \$ 600.00, said sum being a cash deposit to be placed in a TOWNSHIP trust account to cover the cost of the aforementioned review and inspection fees. Such sum shall be charged periodically as fees and charges accrue and the balance of the escrow sum, if any, after all charges and fees have been paid shall be returned to DEVELOPER.

3. Additional Payments: The DEVELOPER agrees to pay any additional sum required to pay charges and fees not covered by the escrow deposit within fifteen (15) days after the date of receipt of a notice of deficiency by the appropriate Township Office. The DEVELOPER understand and agrees to pay such sum notwithstanding any dispute as to the reasonableness of the fees and charges.

4. Contest of Reasonableness: DEVELOPER agrees that the reasonableness and/or accuracy of any fee or charge may be challenged within seven (7) days of receipt of the professional's billing advice copy and in accordance with the Code of the Township of Evesham. DEVELOPER understands and agrees that the aforesaid procedures shall be the sole and exclusive method of challenging the reasonableness and/or accuracy of charges and fees and hereby waives any longer statue or limitations.

5. Notice: See Developer information and contact/s above

6. Transferability: DEVELOPER understands and agrees that this contract agreement is not transferable, in whole or in part, nor can the DEVELOPER relieve himself/herself from obligation as stated in this contract agreement until such time as said DEVELOPER provides an acceptable dated replacement contract agreement to relieve said DEVELOPER of any further obligation as stated in this contract agreement. This transfer of obligation shall commence on the later of the date of the acceptance by the TOWNSHIP of this replacement contract agreement.

7. Collection: Should the DEVELOPER fail to pay any amount required to be paid hereunder when due, TOWNSHIP shall be entitled to pursue all remedies at law or equity. Interest shall accrue at rate of 18% per annum simple interest on all sums unpaid after the due date. The TOWNSHIP may collect a reasonableness attorney fee which shall not be less than \$300.00 should litigation for the purpose of collecting any sum be commenced.

[Signature]

Signed Developer

9/20/24
Date

7-E-
The pool has been on the property since the 1990's, according to same neighbor. There has never been any issues since we've lived in the house (2000)

The ladder to get in and out of the pool is from the deck, so there isn't any reason to disturb any part of the neighbors.

If we have to remove pool it will cost a lot of money, due to the deck built to the pool, so we would have to close the deck rebuild it.

We did not know there weren't any permits for pool when we bought the house, we only found out because we were getting a permit for updating the electrical with the pool.

LAND USE REGULATIONS

94 Attachment 4

Township of Evesham

Building and Lot Coverage Worksheet
 [Added 12-15-2015 by Ord. No. 30-12-2015]

Block: 3.01 Lot 33 Zoning District _____

1. SQUARE FOOTAGE OF YOUR PROPERTY (1 ACRE = 43,560 S.F.) _____ sq. ft.

<u>Building Coverage – Existing</u> (house and attached additions)	<u>Dimensions</u>	<u>Square Feet</u>
2. House	_____	<u>1376</u>
3. Attached Garage	_____	<u>253</u>
4. Attached Deck	_____	_____
5. Other Attached	_____	_____
6. Total existing building coverage (add lines 2 through 5)	_____	_____

<u>Lot Coverage – Existing</u> (building coverage + impervious surfaces + accessory structures)	<u>Dimensions</u>	<u>Square Feet</u>
7. Building coverage (line 6)	_____	_____
8. Driveway (including stone)	_____	_____
9. Walkways/patio (concrete & pavers)	_____	_____
10. Detached garage(s)	_____	_____
11. Decking (not attached to house)	_____	_____
12. Shed, gazebo, greenhouse etc	_____	_____
13. Pool (including water & decking)	_____	_____
14. Other	_____	_____
15. Total Existing Lot Coverage (add lines 7 through 14)	_____	_____
16. Total % of Existing Lot Coverage (line 15 divided by line 1, then multiply by 100)	_____	_____

Building Coverage – Proposed (Identify structure i.e. addition, deck, attached garage etc.)

17. _____	_____	_____
18. _____	_____	_____

Lot Coverage - Proposed (i.e. new patio, driveway, shed, pool)

19. _____	_____	_____
20. _____	_____	_____

21. Total Proposed Building and Lot Coverage (add lines 17 through 20)	_____	_____
22. Total Lot Coverage - Existing & Proposed (add lines 15 & 21)	_____	_____
23. Total % Lot Coverage (line 22 divided by line 1, then multiply by 100)	_____	_____
24. Total Building and Lot (Impervious) Coverage % permitted by code**	_____	_____

** The Zoning Officer will fill in this ratio