



December 4, 2024

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

Re: Evesham Township Zoning Board  
Marla Robinson and William Ritter  
Application #Z24-24  
Detached Garage/Loft Space  
5 Explorer Court  
Medium Density MD-Zone  
Block 24.24 Lot 73  
**Use Variance Request**  
***Planner's Report***  
Our File No: A-1398-0028-000

Dear Chair Thomas and Board Members:

We have reviewed the submission package (dated 11/7/2024) and site plan (dated 9/29/2023) for the 5 Explorer Tract and are familiar with the 0.64-acre site. The property currently consists of a single-family home, a pool, a shed, driveway, and associated improvements. The property has frontage onto Ritter Court and Old Marlton Pike. The applicant is proposing to construct a 988-SF two-story detached three-car garage. The structure is proposed to contain two bathrooms, loft space, wet pantry, and outdoor deck. The structure will be finished to match the existing home. This type of detached structure is not a permitted use in the MD-Zone. The applicant received a zoning denial letter from the Township dated October 8, 2024. Applicant requests a Use variance.

**Variance Requests:**

1. Section 160-64 of the Ordinance does not list this type of structure as a permitted accessory use in the Medium Density MD-Zone. **The applicant requests a D(1) Use Variance to permit this structure as an accessory use.**
2. Section 160-64E(2)(a) of the Ordinance does not permit accessory uses to be located in the front yard setback where the applicant is proposing the detached structure in the front yard along Old Marlton Pike. **A bulk variance is required.**
3. Section 160-64E of the Ordinance requires a 30-foot front yard setback where the detached structure is proposed to have a 13-foot setback from Old Marlton Pike. **A bulk variance is required.**

**- Consulting Engineers -**

**Our comments:**

4. 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.
5. 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.

6. Applicant to provide testimony to the use of the detached structure. Applicant to confirm no one will be living in the structure.
7. Applicant to replace any trees removed for the construction of the detached structure in accordance with Chapter 144 of the Ordinance. Applicant to provide landscaping in the rear to screen the structure from Old Marlton Pike. Additional landscaping should be provided on the east side of the structure to screen from the adjacent residential use.
8. Applicant is to provide testimony to any additional improvements to the property.
9. Applicant to present floor plans and elevations to the Board.

Should you need more information, please call.

Sincerely,

ALAIMO GROUP



Richard Hunt, PP, AICP  
Senior Project Manager

RH

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

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