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March 21, 2025  
22227 00

Re: TG Properties, LLC (Maple Avenue Renovations)  
**Use Variance with Site Plan Waiver**  
48 N Maple Avenue  
Block 20.12, Lot 17  
Application # Z25-01

Ms. Jennifer Newton, Board Secretary  
Township of Evesham  
984 Tuckerton Road  
Marlton, NJ 08053

Dear Ms. Newton:

The Applicant is seeking use variance to convert an existing 2-story professional office into a mixed use unit. The basement and first floor will continue be utilized for office use; the 2<sup>nd</sup> floor will be converted into a 2-bedroom apartment. The applicant is also seeking a site plan waiver.

The parcel is located in the Medium Density (MD) zoning district. It is located at the corner of North Maple Avenue and Westminster Avenue. Single family dwellings are located north, south and west of the parcel. The Allison Apartments is located across North Maple Avenue. Access to the property is from Westminster Avenue utilizing an existing driveway

Our office has reviewed the following information:

1. Land Development Application with Checklists.
2. Plans, prepared by Pace Architecture + Design, LLC, revised to February 3, 2025, consisting of 7 sheets.
3. Survey of Property, prepared by V&I Surveying, dated November 11, 2024, 1 sheet.

### **General Information**

Applicant: TG Properties LLC  
Owner: [tom@grubbagency.com](mailto:tom@grubbagency.com)

Architect: Ben Estepani, AIA  
Pace Architecture + Design, LLC  
[ben@pace-ad.com](mailto:ben@pace-ad.com)

Attorney: Anthony Valenti, Esq.  
Boyle and Valenti Law, P.C.  
[avalenti@b-vlaw.com](mailto:avalenti@b-vlaw.com)

### **Zoning**

1. The parcel is located in the Medium Density (MD) zoning district. Single family homes are permitted within this district.

2. The existing use of a professional office building is not a permitted use.
3. The proposed use of a professional office and 1, 2-bedroom apartment is not a permitted use.

MD (Medium Density), §160-64  
Attachment 11

	Requirement	Existing	Proposed	
Min Lot Area	10,000 SF	22,500 SF	N/C	Conforms
Min Lot Width (Westminster)	80 FT	117 FT	N/C	Conforms
Min Lot Width (N Maple)	80 FT	150 FT	N/C	Conforms
Min Front Yard Setback (Westminster)	30 FT	44.21 FT	N/C	Conforms
Min Front Yard Setback (N Maple)	30 FT	~12.6 FT	~12.6 FT	<b>Variance</b>
Min Side Yard	10 FT	70.5 FT	N/C	Conforms
Min Rear Yard	25 FT	73.5 FT	N/C	Conforms
Max Impervious Coverage	45%	28.2%	27.2%	Conforms

### Variiances

1. The applicant is seeking a d(1) use variance. The applicant is seeking to change an existing, non-conforming office use to a mixed use property to include office space and 1, 2-bedroom apartment. Mixed use buildings are not a permitted used in the MD zoning district.

The Applicant should provide testimony indicating that there are “special reasons” to grant the requested relief for a d(1) use variance: two (2) positive criteria and two (2) negative criteria;

#### Positive Criteria

1. The site is particularly suited to the proposed use OR would be zoned into inutility without the variance; AND
2. The proposed will advance the purposes of the NJ Municipal Land Use Law (NJSA 40:55D-2) and the Township’s Master Plan and Zoning Ordinance.

#### Negative Criteria:

1. The variance can be granted without substantial detriment to the public good; AND
  2. The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
2. There is an existing, non-conforming condition for a front yard setback. This parcel is a corner lot and thus contains 2 front yards, a rear yard and a side yard. The required minimum front yard in this zoning district is 30 FT. When measured from the property line (not the 33 FT ROW), the front yard along N Maple Avenue is approximately 12.6 FT. Proposed improvements to the building are along this façade. Though it appears that the setback does not change, a variance is required as this is now a new setback.
  3. Per §160-32E, the aisle width of a driveway shall be 24 FT. No dimension is provided, but the existing driveway is 20 FT in width. This is an existing, non-conforming condition not proposed to be changed as a result of this application.
  4. Per §160-32E(4), for nonresidential uses, no driveway edge of paving shall be located within 100 FT of an intersection. The existing driveway is approximately 45 FT from the intersection of Westminster Avenue and N Maple Avenue. This is an existing, non-conforming condition not proposed to be changed as a result of this application.
  5. Per §160-32D(2), the required number of loading areas for an office use is 1 space for 10,000 SF of GFA. No loading area is proposed.

6. Per §160-17B(1), screening buffers shall be placed between incompatible land uses. Per Attachment 1, a 40 FT buffer is required between office and single family detached use; and a 50 FT buffer is required between residential other than single family detached and single family. Proposed buffering is not dimensioned along the north and east property line. Buffering is not provided along N Maple Avenue where apartment use is across the street and a 25 FT buffer is required. Testimony should be provided discussing proposed buffering to determine the extent of the relief required.
7. Per §160-17C(2), parking of vehicles is not permitted within a buffer area. Parking exists in the buffer area to the north, east and west. This is an existing condition, not proposed to change as a result of the proposed improvements.
8. Per §160-27A, all non-residential uses shall provide and utilize outside trash enclosures (dumpsters) for the elimination of trash and/or garbage. No exterior trash and recycling areas are proposed. Relief will be required.
  - a. Trash and recycling for the apartment use should be discussed. Per §160-27E, where refuse disposal units are used in townhome or apartment dwellings, no more than one disposal unit will be permitted for each 10 dwelling units and refuse disposal units shall be conveniently located within a minimum of 25 FT, but not more than 100 FT from the building.

The Applicant has the burden of proof to justify the variance, by testimony or other means, by using either the c(1) or c(2) proofs.

For c(1) variances the Applicant must demonstrate that strict application of the zoning requirement would have “peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the Applicant arising out of:

- a. The exceptional narrowness, shallowness, or shape of a specific piece of property, or
- b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.”

For c(2) variances the Applicant must demonstrate that:

- a. The purposes of the Municipal Land Use Law (MLUL) would be advanced by a deviation from strict application of the zoning requirement;
- b. The variance can be granted without substantial detriment to the public good;
- c. The benefits of the deviation would substantially outweigh the detriment; and
- d. The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

### **General Comments**

9. Per §127.2, in order for the Board to grant a waiver of site plan, sufficient information must be provided for the review. In addition, per §127.3 site plan approval must be obtained if the following conditions are met:
  - a. A change of use from one non-residential use to another; or
  - b. The number of existing parking spaces on the site is less than the number of spaces required for the proposed use; or
  - c. For the conversion of a residential use to a non-residential use.

Our office defers to the Board Planner as to whether any of these conditions require site plan approval.

10. Per §160-32A(3), an office space containing less than 50,000 GFA requires 4 parking spaces per 1,000 SF of GFA. Total GFA for the office and basement is not provided. Confirmation of the size of the building should be provided to determine if the provided number of spaces is sufficient for the proposed office use. Ten (10) spaces are provided and of those 10 spaces, 2 would be available for the apartment use.
11. Provide the square footage of the basement, 1<sup>st</sup> floor and 2<sup>nd</sup> floor.

12. The Township parking requirements, per §160-32 required spaces that are 9 FTx18 FT. The spaces are not dimensioned to determine if this condition is met.
  - a. One accessible space is provided. It is recommended that this space be 11 FT wide with a 5 FT landing area to accommodate van parking. Signage and striping for accessible parking should be provided. A detail should also be provided.
  - b. Parking spaces should be dimensioned and striped.
  - c. If there are existing concrete bumpers to remain, these should be noted on the plan.
13. The parking spaces are numbered on the plan provided. Testimony should be provided as to whether the two spaces for the apartment use will be signed as such.
14. No lighting is depicted on the plan. If site lighting is existing, or if it will be proposed, it should be shown on the plan.
15. It is recommended that a “bump-out” be provided at the end of the parking lot to allow easier circulation for vehicles to exit the end parking spaces.
16. Provide a dimension for the driveway at the sidewalk area and along the side of the building as the width changes at various locations.
17. It is not clear from the plan whether the parking lot is curbed. Per §62-57E(2), all paved parking and locating areas and access drives shall be curbed. In addition, discuss the condition of the parking lot and if it is suitably drained and maintained.
18. Landscaping is shown on the proposed site plan. The type of trees proposed should be identified. Sufficient landscaping should be provided to meet the buffering requirements, otherwise relief will be required.
19. A ramp is being proposed. Grading details should be provided to show that the ramp and associated accessible parking space conform to ADA requirements.
20. A limit of disturbance should be provided. It should be quantified to determine if a certificate from the Burlington County Soil Conservation District is required.
21. North Maple Avenue is a county road. It should be identified as such on the plan.
22. Our office defers to the Board Planner for further comment regarding signs.
23. Our office defers to the Fire Marshal for comment regarding site safety, signage, striping and maneuvering of fire vehicles.

### **Permits and Approvals**

24. The following is a list of outside agency approval which may be required for this application:
  - a. Evesham Township Construction Code Official
  - b. Burlington County Planning Board
  - c. Burlington County Soil Conservation District
  - d. Any and all others that may be required.

### **Administrative**

25. All future re-submissions of the plans shall clearly indicate a revision date and be accompanied with a point-by-point response letter to the comments of the Board’s professional staff.
26. We reserve the opportunity to make further comments in our review of plans and documentation should additional information become available to address this initial review.

Should you or the Applicant have any questions, please do not hesitate to contact our office.

Sincerely,



Rakesh R. Darji, PE, PP, CME, CFM  
*Zoning Board Engineer*

RRD/mbs

Cc: Kevin Rjis, Director of Community Development, ([rjisk@evesham-nj.gov](mailto:rjisk@evesham-nj.gov))  
Matthew Wieliczko, Esq., Board Solicitor, via email [mwieliczko@zwattorneys.com](mailto:mwieliczko@zwattorneys.com)  
TG Properties, Applicant, ([tom@hgrubbagency.com](mailto:tom@hgrubbagency.com))  
Ben Estepani, AIA, Applicant's Architect ([ben@pace-ad.com](mailto:ben@pace-ad.com))  
Anthony Valenti, Esq., Applicant's Attorney ([avalenti@b-vlaw.com](mailto:avalenti@b-vlaw.com))

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