

**EVESHAM,
TOWNSHIP OF
(PLANNING AND ZONING DEPT.)**

SMITH, GEOFFREY 293-53
B1 92 L2 (Deerberry Flower Shoppe)
Use Variance (Conditional)



Date Received 12/1/93
Received By [Signature]

Zoning ✓
Planning ✓
Application No. 29353

160-88E

TOWNSHIP OF EVESHAM
LAND DEVELOPMENT APPLICATION **NOT RETURNABLE**

If you are not familiar with the Evesham Township Ordinance requirements, please ask to see the Township's Administrative Officer prior to filling out this application. Complete all items. Use additional sheets if necessary.

A. BASIC INFORMATION

1. APPLICANT
NAME
H. Geoffrey Smith
Street Address:
25 E. Main St.
City State Zip
Marlton, NJ 08053
Telephone No.
609-983-4988

2. OWNER
NAME
Same
Street Address:
City State Zip
Telephone No.

3. If the applicant is not the owner, set forth in detail the nature and source of the legal or beneficial right by which you claim to submit this application.
N/A

4. TYPE OF APPLICATION: (Check as many items as applicable)

- Minor Subdivision
- Major Sub-Preliminary
- Major Sub-Final
- Minor Site Plan (See Rider)
- Major Site Plan-Prel.
- Direction for Issue of a Permit
- Waiver of Development Standards
- Major Site Plan-Final
- Conditional Use
- Amend Prior Approval
- Previously Approved
- PUD Final (But See Code Sect. 160-107)
- Appeal of Decision of an Administrative Officer
- Use Variance
- Informal Review

17. Total cost of building construction and site improvement is \$ _____.

18. Type of construction (frame, stone, brick, cement, etc.):

19. Architectural style: _____

E. VARIANCES: (complete if variance(s) requested)

1. Briefly describe each variance requested and for each variance requested list the Section(s) of the Code from which relief is being sought: Relief from Code Section 160-66A to allow more than one principle use on one lot.

- 1 - front bldg commercial/residential (Darbarry Flower Sheppe)
- 2 - rear bldg - residence for owner

2. *If a "D" Variance(s) is requested, state the special reason(s) the applicant relies upon to support the application: _____

*An application which involves a "D" Variance can only be heard by the Zoning Board of Adjustment.

3. If a "C" Variance is requested: what are the exceptional conditions of the property preventing the applicant from complying with the Zoning Ordinance? _____

4. TYPE OF APPLICATION (continued):

Interpret Zoning Map
or Ordinance
Bulk Variance
Waiver of Submission
Requirements
Other

5. LOCATION OF PROPERTY:

25 E Main St.
Street Address: 4A
Tax Map Page
9A
Block No. 2
Lot No.

6. ZONE DISTRICT: HNS

7. TYPE OF ROAD FRONTAGE:

State Highway
Municipal
County Highway X

8. DIMENSIONS OF PROPERTY:

Total area in square feet or acres 22.2x15.60 (coverage 67.32
(if corner lot, specify both frontages.)

9. PRESENT USE: Retail & Apartment front (residential rear bldg)

10. PROPOSED USE, if other than present use: Same *See front page*

11. PROPOSED DEVELOPMENT NAME: Deerberry (Retail) Flower Shoppe

12. PROFESSIONALS:

Attorney of Record:

Name

Address

Telephone

1. CERTIFICATION OF APPLICANT: The undersigned certify that he/she/it/they is/are the applicant(s) named in the foregoing application or is/are legally authorized to submit the foregoing application and sign this certification on behalf of the applicant. The undersigned certify that the information stated in the foregoing application and submissions made therewith are true

Name _____

 Address _____

8. If other than to applicant, to whom should Township reports and correspondence be sent: _____

7. Describe any easement(s) or right(s) of way proposed by the applicant: _____

6. Describe any easement(s) or right(s) of way affecting the property: _____

5. Describe any deed restrictions proposed by the applicant: _____

4. Describe any deed restriction(s) affecting the property: _____

Name _____

 Address _____

 Field _____

3. Expert witnesses (when applicable): List the name, address and field of expertise each expert witness proposed to be used: _____

The undersigned hereby certifies that he/she is an authorized representative of the applicant named in the foregoing application and that the applicant is a corporation () partnership (). The undersigned hereby certifies that the

CERTIFICATION CORPORATE/PARTNERSHIP:
(To be completed if the applicant is a corporation/partnership and if the application seeks permission to subdivide a parcel of land into six (6) or more lots, or seeks a variance to construct a multiple dwelling of twenty-five (25) or more family units, or seeks site plan approval of a site to be used for commercial purposes in accordance with N.J.S.A. 40:55D-48.1)

Signature _____
Print Name: _____
Print Title: _____
Date: _____

Signature: *Geoffrey Smith*
Print Name: *Geoffrey Smith*
Print Title: *Partner*
Date: *11/3/93*

The undersigned hereby certifies that _____ 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 certifies 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 _____
Print Name: _____
Print Title: _____
Date: _____

Signature: *Geoffrey Smith*
Print Name: *Geoffrey Smith*
Print Title: *Partner*
Date: *11/3/93*

and correct. The undersigned realize that if any of the foregoing statements are willfully false, he/she/it/they is/are subject to punishment.

N.

M.

- (X) Approved
- (X) General Conditions
- (X) Additional Conditions
- () Denied

RESOLUTION # Z 93-53

()	Appeal from	Application # <u>Z 93-53</u>
	Administrative Officer	Applicant <u>H. Geoffrey Smith</u>
	Decision	
()	Interpretation	Owner <u>same</u>
()	"C" Variance	
(X)	"D" Variance	Block <u>9A</u> Lot <u>2</u> (P.I.Q.)
()	Subdivision	Action <u>January 31, 1994</u>
()	Site Plan	Memorialized <u>March 21, 1994</u>
()		Plan Name _____

WHEREAS, the applicant has applied to the Evesham Township Zoning Board of Adjustment (ETZBA) for the following primary approval(s): use variance pursuant to N.J.S.A. 40:55D-70d to permit 2 principal uses upon one lot; and

WHEREAS, the applicant has applied for the following ancillary approval(s): none; and

WHEREAS, the application was considered by the ETZBA on January 31, 1994; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing (X) was required and the ETZBA has considered that public comments

- (X) were not made by the public
- () were made in favor of all or some aspect of the application
- () were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been met; and

WHEREAS, the ETZBA has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the ETZBA has considered the recommendations and comments of its professional staff and the following written reports:

() Engineer report(s) dated _____

(X) Planner report(s) dated December 15, 1993

() Traffic Consultant report(s) dated _____

() Evesham Township Environmental Protection Committee report(s) dated _____

(X) Other Report of Evesham Township Historic Preservation Commission dated December 16, 1993

Copies of which are attached hereto and made a part hereof respectively as Exhibit(s) A, B; and

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the ETZBA has made the following Findings of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the above primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the above ancillary approval(s) be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted are made subject to the following General Conditions applicable to this type of application (see attached); and

BE IT FURTHER RESOLVED that the approval(s) hereby granted (X) are made subject to () are not made subject to the following Additional Conditions (see attached).

The foregoing action was taken by the ETZBA on January 31, 1994, upon the motion of Ms. Disinger, seconded by Mr. Marconi, with the vote on the motion being as follows:

AYE: Blume, Cutler, Disinger, McKinley, Stetson, Marconi, Ganun

NAY:

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE: Macready

The foregoing action was memorialized by the ETZBA on March 21, 1994 upon the motion of Mr. Marconi, seconded by Ms. Disinger, with the vote on the motion being as follows:

AYE: Blume, Disinger, McKinley, Marconi, Ganun

NAY:

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the ETZBA hereby certifies that the above is a true copy of Resolution # 292-53 adopted by the ETZBA on March 21, 1994.

D. Charlene Grabowski
D. Charlene Grabowski,
Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant initially applied for a use variance pursuant to N.J.S.A. 40:55D-70d to permit the residential use of an existing barn upon the property.

2. The property is located at 25 East Main Street and is more particularly described as Block 9A, Lot 2 on the Evesham Township Tax Map (hereinafter the "P.I.Q.").

3. The P.I.Q. is located in the HNS District.

4. The applicant indicated that several structures exist upon the P.I.Q.

5. The structure adjoining East Main Street houses an apartment above a retail flower shop use on the first floor.

6. The applicant indicated that the barn in the rear of the P.I.Q. has previously been utilized for commercial purposes.

7. The applicant indicated that as a result of a recent divorce, he proposed to utilize the barn upon the P.I.Q. as a residence.

8. The applicant indicated that the barn comprised approximately 1,500 square feet.

9. The applicant indicated that the proposed residential use of the barn would be much less intense than that now permitted by ordinance.

10. The applicant indicated that adequate parking exists upon the P.I.Q. for his proposed residential uses.

11. The applicant agreed, as a condition of approval, to sign a cross-easement for parking or access if it has not already been provided to the Township.

12. At the hearing on January 31, 1994, the ETZBA reviewed and considered the December 16, 1993 report of the ETZBA Historic Preservation Commission (Exhibit "B").

13. At the hearing on January 31, 1994, the ETZBA reviewed and considered the December 15, 1993 report of the ETZBA Planning Consultant, prepared by Carl E. Hintz (Exhibit "A").

14. The ETZBA Planning Consultant indicated that the residential use proposed by the applicant was consistent with other uses in the area and that it would be much less intense than the commercial use permitted upon the P.I.Q.

15. The ETZBA opened the January 31, 1994 hearing on this application to the public, however, no member of the public desired to testify.

16. Based upon all of the foregoing, the ETZBA finds and concludes that the property is uniquely suited to the use proposed by the applicant. Specifically, the residential use proposed by the applicant will be far less intense than that presently permitted in the HNS District. In addition,

significant hardship would be visited upon the applicant if he was unable to utilize the P.I.Q. for his own residential use, given the pre-existing permitted use of this nature upon the P.I.Q.

17. The ETZBA further finds that the proposed use will not impair the Evesham Township Zoning Ordinance or Evesham Township Zoning Map since similar uses surround the P.I.Q.

18. The ETZBA further finds that the proposed use of the P.I.Q. will not be detrimental to the general public since it will be separated from the existing commercial uses along Main Street.

19. Based upon all of the foregoing, the ETZBA concludes that a conditional use variance should be and is hereby granted to the P.I.Q. pursuant to N.J.S.A. 40:55D-70d to permit two principal uses on one lot in the nature and only to the extent proposed by the applicant.

GENERAL CONDITIONS OF APPROVAL

1. Any variance granted permitting the erection or alteration of any structure(s) or a specified use shall expire unless such construction, alteration or use shall have been actually commenced on or in each and every structure permitted by said variance within one (1) year from the date of the ETZBA's action and is diligently pursued to completion; except, however, the running of this period shall be tolled from the date of filing an appeal from the ETZBA's decision to Township Council, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding (Code Section 15-6). This Condition shall not apply if preliminary approval has been granted, extended and is still in effect pursuant to N.J.S.A. 40:55D-49 or if final approval has been granted, extended and is still in effect pursuant to N.J.S.A. 40:55D-52.

2. A brief notice of this decision shall be published in the official newspaper of the Township, at the applicant's expense. The aforementioned notice shall be sent to the newspaper for publication within ten (10) days of the date this decision is memorialized (Code Section 15-22). A proof of publication shall be filed with the Administrative Officer of the ETZBA within thirty (30) days of the date the decision is memorialized.

3. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or pursuant to Ord. 1-1-85 file a written protest with the Township Manager within seven (7) days of receipt of a final voucher from the Township.

4. These General Conditions of Approval shall be binding upon the applicant, the owner and any successors and assigns of either.

5. The Additional Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

6. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

- Burlington County Planning Board
- Pinelands Commission

7. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

- Evesham Township Construction Code Official
- Burlington County Soil Conservation District
- New Jersey Department of Transportation
highway access permit
- Burlington County Engineer highway access
permit

() Burlington County Engineer utility connection permit

() Evesham Municipal Utilities Authority W-4 and S-5 permits.

8. Any improvement(s) to be constructed as a result of the ETZBA approving this application shall be constructed and operated in full compliance with the Code of Evesham Township, the Revised Statutes of the State of New Jersey and any other applicable county and/or federal law.

9. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of the on-tract improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53 and the requirement of Evesham Township Code Section 94-7. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the

improvements and shall cover a period of two years after final acceptance of the improvements.

10. If the above application involves the granting of a final subdivision or site plan approval, the Chairperson and Secretary of the ETZBA shall not sign the final subdivision or final site plan plat nor shall any zoning permit issue until the applicant has demonstrated that all conditions of the final approval have been satisfied.

11. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of this Board.

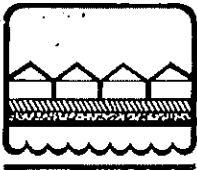
12. As part of the first application for final approval, the application shall provide a construction schedule as required by the Evesham Township Ordinances which must be satisfactory to the ETZBA engineering consultant.

13. The applicant shall comply with Title 39 of the New Jersey Statutes.

14. The applicant shall construct all drainage basins upon the P.I.Q. including inflow and outflow structures, prior to the commencement of any construction upon the P.I.Q.

ADDITIONAL CONDITIONS OF APPROVAL

1. The applicant shall sign a cross-easement for parking or access if it has not already been provided to the Township.



HINTZ ASSOCIATES, INC.

32 North Main Street • Pennington, New Jersey 08534
Telephone: (609) 737-1930 Fax: (609) 737-6978

MEMO

DEC 15 1993

TO: Evesham Township Zoning Board

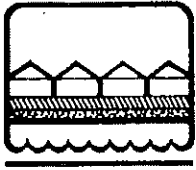
FROM: Carl E. Hintz, PP, AICP, CLA, ASLA
Tamara L. Lee, PP, AICP, CLA

DATE: December 15, 1993

RE: H. Geoffrey Smith
Deerberry Flower Shoppe
Use Variance - ZB93-53
Lot 2, Block 9A

This office received a copy of the completed application for the above referenced project. After reviewing the information we offer the following comments:

- 1.0 The 18,675 square foot site is located on Main Street with reverse frontage on Oak Street. The applicant proposes to operate a flower shop with greenhouse from a building in the front of the property and reside in another building behind the flower shop. Presently, the site includes a retail use and apartment in the front building and a residence in the rear. The site is zone HNS, Historic Neighborhood Shops/Services.
- 2.0 Use Variance
 - 2.1 The nature of the flower shop is in keeping with the character of the zoning district and is consistent with the Master Plan. However, the proposal requires a use variance for more than one use on a single lot. (Section 160-29A).



- 2.2 Like all use variances, the applicant must respond to the following questions:

Special Reasons

- a. Does the site have characteristics which make it uniquely suited for the proposed use?
- b. Are there unusual circumstances regarding the applicant and/or property which would result in undue hardship on the applicant and/or property owner if a use variance were not granted?
- c. Is the proposed use inherently beneficial to the public health, safety and welfare (school, church, hospital, governmental, recreational, etc.)?

Negative Criteria

- a. Would substantive detriment occur to the public health, safety and welfare if a use variance were granted?
 - b. Would an impairment of the intent of the master plan and zone plan result if a use variance were granted?
- 3.0 Should the Board grant a use variance, a site plan should be submitted to insure the adequacy of parking, loading, landscaping, lighting and etc.

cc: Charlene Grabowski
Jeffrey Baron, Esq.
Joseph Appleton, PE
Don Mauer, PE
H. Geoffrey Smith

Township of Evesham

(609) 983-2900

125 East Main Street
Marlton, New Jersey 08053

December 16, 1993

Charlene Grabowski, Secretary
Evesham Township
Zoning Board of Adjustment
125 East Main Street
Marlton, NJ 08053

Re: **CERTIFICATE OF APPROPRIATENESS - Recommendation for Approval
HPC APPLICATION NO.: 93-36 (Conditional Use Variance App.)
Historic Sites Survey #36 [Evans-Collins House and Carriage
Barn, a/k/a Deerberry Flower Shoppe]
25 East Main Street, Block 9.A, Lot 2
Zoning District: HNS - Historic Neighborhood Shops/Services**

Dear Mrs. Grabowski:

In follow-up to your memorandum of December 2, 1993, please be advised that the Historic Preservation Commission (HPC) at its December 13, 1993 meeting, considered the applicant's testimony and concluded its review of the documentation supporting the above referenced application for a Certificate of Appropriateness. This application dated December 2, 1993, bearing Evesham Township's "Received" stamp of December 2, 1993, was filed in conjunction with an application to the Zoning Board of Adjustment for a conditional use variance. This application was forwarded to the HPC for review in accordance with the provisions of Section 160-28.C.1.g of the Township's Land Use Ordinance.

With respect to this proposal, the HPC serves in an advisory capacity to the ZBA since the application involves a joint review between both agencies as set forth in Section 160-28.E.1. Therefore, the following is a report of the HPC's review and recommendations:

BACKGROUND

The application of H. Geoffrey Smith is for a Certificate of Appropriateness in conjunction with a use variance appeal application before the ZBA for permission to maintain two (2) principle uses on the subject premises located at 25 East Main Street. The site area totals .4969 acres and is zoned HNS - Neighborhood Shops and Services District.

The principle building is a 2- $\frac{1}{2}$ story Vernacular Federal style structure with a four bay facade and gable roof, constructed c. 1840. Originally this structure was a double house built by John Evans who was a prosperous farmer and surveyor.

Later it was converted to a single family residence. It was purchased by the present owner in March 1969 and converted to the present mixed use - retail/commercial and residential - the first floor occupied by the Deerberry Flower Shoppe and the second floor an accessory apartment. The building is classified as a local historic landmark because of its inclusion in the Township's "Cultural Resources Survey". It is a "key" contributing structure to the historic district.

To the rear of the principle building is an accessory 2 story frame carriage barn that was constructed c. 1842. This structure was also built by the Evans family. In 1973 the carriage barn was converted to a shop called the Blueberry Barn - a place where you found such things as penny candy, different kinds of cheese and dried flowers. The shop than became an office and in 1991 was converted to a single family residence to serve as the living quarters of the applicant. However, according to the Township's records this conversion did not receive prior approvals. The applicant was subsequently notified by way of a Notice and Order of Penalty, dated October 28, 1993 that he must come into compliance with the Township's Land Use Legislation.

According to the Zoning Officer, the provisions of the Zoning Ordinance (Section 160-66.B) only permit one (1) principle use on a lot in the HNS District. In essence, both the Deerberry Flower Shoppe and the establishment of the single family detached residence (the former Blueberry Barn structure) are principle uses. The apartment is an accessory use. Therefore, a conditional use variance must be obtained from the ZBA in order for the applicant to continue to use the property in its current manner.

DOCUMENTS CONSIDERED

1. HPC Application for a Certificate of Appropriateness as previously described.
2. Notice and Order of Penalty dated October 28, 1993.
3. Memorandum of December 2, 1993 to the HPC from Charlene Grabowski.
4. Photographs of the subject building.
5. Appeal application to the ZBA dated December 1, 1993.
6. Survey plan of the subject premises prepared by R.D. Heggan, Jr., dated January 29, 1969, consisting of one (1) sheet.
7. Evesham Township Tax Map showing the location of the premises.
8. Township "Cultural Resources Survey," prepared by Acroterion Preservation Consultants, dated July-September 1985.
9. Copy of the "Olde Marlton Village Historic District Architectural Design Guidelines," dated September 1993.
10. Evesham Township Land Use Legislation, March 1993.

Mrs. Grabowski
December 16, 1993
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REVIEW COMMENTS AND RECOMMENDATIONS

Section 160-28.C.1.g provides for the Commission's review of zoning applications relating to historic properties listed in the "Cultural Resources Survey". This proposal involves a joint review between the HPC & ZBA.

With respect to the proposal at hand, it was the HPC's understanding that no exterior changes were made to the Carriage Barn in 1991 with respect to the conversion from commercial to residential use. The HPC considered the applicable criteria outlined in Section 160-28.D.10 as it pertained to the conversion of use. The HPC determined that the use proposal did not negatively impact on the historic resource or the Olde Marlton Village Historic District based on the following criteria:

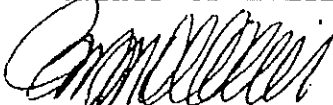
- a. The use of any building involved.
- b. The historical or architectural value and significance of the building and relationship to the historic value of the surrounding area.
- c. The effectiveness of the proposal in adhering to the building's original style and the affect of the exterior texture, materials and architectural features.
- d. The overall effect that the proposed work would have upon the protection, enhancement, and use of the property.
- e. The general compatibility of the exterior design, arrangement and material proposed to be used.
- f. The economic feasibility of performing the work with materials or workmanship of a type equivalently or similar to the historical or architectural era during which the building was constructed.

Therefore, by resolution of a unanimous vote, the HPC recommends to the ZBA, approval of the applicant's request for a Certificate of Appropriateness, subject, however, to the ZBA's granting of a conditional use variance.

It is trusted that these review comments and recommendations will assist the ZBA in its review of this application.

Respectfully submitted,

TOWNSHIP OF EVESHAM



Bryan T. Havir
HPC Secretary/Administrative Officer

Mrs. Grabowski
December 16, 1993
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BTH/bh

cc: ZBA Members
ZBA Professionals
Director of Community Development
Zoning Officer
Historic Architect Consultant
Permit Coordinator
Geoffrey Smith, Applicant

Christy Mezzatesta

From: Christy Clauss
Sent: Tuesday, January 17, 2023 2:08 PM
To: Linda Kent
Subject: RE: OPRA Request 2023-043

Linda—Tom will be out this week. I just wanted you to know so you aren't waiting on his reply.

Best Regards,

Christy Clauss

Planning Board Secretary
Assistant Zoning Officer
609-567-0700 ext. 8006



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From: Linda Kent <lkent@winslowtownship.com>
Sent: Tuesday, January 17, 2023 9:56 AM
To: Sandi Heinz <SHeinz@winslowtownship.com>; Construction - Winslow Township <construction@winslowtownship.com>; Barbara Householder <bhouseholder@winslowtownship.com>; Christy Clauss <cclauss@winslowtownship.com>; Tom Schindler <tschindler@winslowtownship.com>; Supv. S. Butler <sbutler@winslowpd.com>; Joseph Gallagher <jgallagher@winslowtownship.com>; Karen Bringhurst <kbringhurst@winslowtownship.com>
Subject: OPRA Request 2023-043

Good Morning

Please respond to the attached OPRA request for Downey Neiss no later than 1/26/2023

Regards,

Linda L. Kent, RMC
Deputy Municipal Clerk
Township of Winslow
609-567-0700 ext. 8001

