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October 03, 2025
22200 82

Re: Horning – Pool & Pool Deck
Bulk Variance
415 Liberty Lane
Block 11.39, Lot 12
Application # Z25-25

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

Dear Ms. Newton:

Our office has reviewed a Bulk Variance application for the proposed construction of an approximate 1098 SF improvement along the Southern face of the property. The property is a 2-story single-family dwelling currently improved with a concrete walk, driveway, paver patio, aluminum fence and landscaping. The applicant is seeking bulk relief for exceeding the required Rear Yard Setback. The zoning district is Medium Density (MD).

Submitted Application Materials

We have reviewed the following documents which were submitted in support of the application:

1. Township of Evesham Land Development Application with Building and Lot Coverage Worksheet.
2. Swimming Pool Grading Plan prepared by Gary Chiang of MGC Associates, dated September 10, 2025.
3. Plan of Survey, prepared by James A. Clancy, Clancy & Associates, LLC., dated August 18, 2025.

General Information

Owner Adam Horning
Applicant: 415 Liberty Lane
Marlton, NJ 08053

Engineer: MGC Associates
237-1 Burrs Road, Burlington, NJ, 08016
609-556-4915

Zoning Review

The property is located entirely in Medium Density (MD) zoning district. The following area and bulk requirements apply to this application:

1. Per §160-64B.(2), single family dwellings are a principal permitted use.
2. The following area and bulk requirements apply to this application:

Area and Bulk Requirements – MD Zoning District:
§160-64 and Attachment 11

Requirements	Required	Existing	Proposed	Status
Principle Structure				
Min. Lot Area	10,000 SF	11,250 SF	N/C	C
Min. Lot Width at Setback	80 FT	90 FT	N/C	C
Min. Front Yard Setback	30 FT	37 FT	N/C	C
Min. Side Yard Setback	10 FT	12 FT	N/C	C
Min. Rear Yard Setback	25 FT	34 FT	N/C	C
Max. Impervious Cover (Percent)	45 %	27%	45%	C
Max. Building Height	35 FT	<35 FT	N/C	C
Accessory Structure (pool)				
Min Side Yard Setback, Pool	15 FT	~	11 FT	V
Min. Rear Yard Setback, Pool	15 FT	~	7 FT	V
Min. Side Yard Setback, Equipment	5 FT	~	8 FT	C
Min. Rear Yard Setback, Equipment	5 FT	~	51 FT	C

C = Conforming; N/C = No Change; V = Variance required; ENC = Existing Non-Conforming

Variations

1. Per §62-62A, the minimum rear and side setback in this zoning district is 15 FT. The proposed improvements will provide a rear yard setback of 7 FT, and a side setback of 12 FT. A variance is required.

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) variations 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 by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- b. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.”

For c(2) variations 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.

Engineering Comments

1. The applicant should provide testimony stating that any damaged asphalt, stone, brick, or concrete surfaces during the process of construction shall be repaired or replaced.
2. If the construction process of the proposed improvements requires the demolition or relocation of aluminum fence, stone walls, or any other existing permanent structure, this should be noted and depicted in the plans.

General Comments

3. It is noted that the zoning chart above was populated by our office by scaling the provided survey. A zoning chart should be provided to reference the bulk requirements for the MD zoning district. The survey should portray all required dimensions.
4. The applicant should provide testimony regarding the following:
 - a. Any proposed landscape to be removed or added. Please note that no more than 5 trees can be removed every 3 years according to...
 - b. The applicant should provide testimony regarding any landscaping/planting that may be required as a result of the proposed grading. Changes, if any, to existing drainage patterns should be discussed.
5. Soil erosion and sediment controls should be utilized during construction. This should be depicted in the plans.
6. The setback for the pool filter and equipment should be depicted in the construction plans.

Administrative

7. We reserve the right to make further comments in our review of plans should additional information become available to address this initial review.

Should you or the applicant have any questions, please do not hesitate to contact the undersigned.

Sincerely,



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

jlc

cc: Matthew Wieliczko, Esq., Board Solicitor, via email mwieliczko@zwattorneys.com
Adam Horning, Applicant, via email [REDACTED]
James Carson, EIT, ERI, via email jcarson@erinj.com