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January 23, 2026
22200 82

Re: **Horning – Pool & Pool Deck**
Bulk Variance #2
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 inground pool in the rear yard. 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 rear and side yard setbacks for the installation of the proposed pool.

The parcel is located in the Medium Density (MD) zoning district and is surrounded single family dwellings..

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, revised to January 1, 2026.
3. Plan of Survey, prepared by James A. Clancy, Clancy & Associates, LLC., dated August 18, 2025.

General Information

Owner Adam Homing
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 %	35.52%	44.5%	C
Max. Building Height	35 FT	<35 FT	N/C	C
Accessory Structure (pool)				
Min Side Yard Setback, Pool	15 FT	~	7 FT	V
Min. Rear Yard Setback, Pool	15 FT	~	10 FT	V
Min. Side Yard Setback, Equipment	5 FT	~	9 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

Variances

- 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 professional 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:

- 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
- 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:

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

General Comments

- The applicant should discuss whether a reduction in the pool patio has been considered to provide further separation between the pool and the property line. Should the patio size be decreased, it may eliminate the need for a variance for lot coverage.
- Satisfied.** A dimension from the property line to the pool filter should be provided.

3. **Satisfied.** A note should be provided on the plans stating that any damage to the existing sidewalk, curb, driveway apron and/or grass strip as a result of construction activities will be repaired and/or replaced at the request of the Township Engineer.
4. **Satisfied.** The existing grades, specifically at the property line, are difficult to read. These should be relocated for legibility.
5. **Satisfied.** Additional contours and spot grades should be shown. With just two (2) existing contours provided, it is not clear of the existing topography of the parcel. Spot grades should be provided to show the existing drainage patterns. It does appear that runoff would be to the rear (southern property line).
6. **Satisfied.** The grading for the 100 contour is approximately 1/2 foot from the property line. It is recommended that the grading be pulled back from the property line so that there is no impact to the adjoining parcel.
7. Our office recommends that as a condition of approval, should the proposed improvements adversely impact drainage conditions on adjoining properties, the applicant will remedy the condition at their expense to the satisfaction of the Township/Board Engineer
8. **Satisfied.** The construction entrance should be depicted. There are fencing, landscaping, hardscaping and perhaps the AC unit that may need to be removed in order the access the rear yard.
9. **Satisfied.** Silt fencing is recommended around the area of disturbance in order to delineate the applicant's property from the neighboring parcels to limit disturbance on the adjoining parcels. Damage from construction to adjoining parcels will be restored to preconstruction conditions.
 - a. Location of any silt fencing provided should be depicted on the plan.
 - b. In addition to silt fencing, construction fencing is also recommended.
10. **Satisfied.** A zoning chart should be provided to reference the bulk requirements for the MD zoning district. The survey should portray all required dimensions.
11. **Satisfied.** The limit of disturbance should be identified and quantified. Should the limit of disturbance exceed 5,000 SF, certification from the Burlington County Soil Conservation District will be required.
12. At the prior hearing, it was requested that additional topography be provided for the adjacent parcels. This information should be provided on the plan. The attorney for the adjoining parcel had a plan that showed the topography of this parcel. The applicant should contact the attorney to request the topo information to be added to the applicant's plan.
13. The applicant should provide testimony regarding the following:
 - a. Any proposed landscape to be removed or added. Existing trees are not depicted on either the survey provided on the grading plan.
 - b. Changes to the existing drainage patterns and impacts on adjoining properties.
14. (new) The plan show that an exfiltration trench is proposed to collect roof runoff via 4" PVC pipes. The following is noted:
 - a. It is recommended that the decorative river rock be provided rather than the pea gravel which would easily wash away after a heavy storm.
 - b. The calculations for the proposed system show that the volume can contain 112 CF of stormwater. However the detail shows that this system is 1 FT x 1.5 FT which would have the capacity of 42 CF. The calculations should be reviewed and updated to reflect what is shown on the plan.
 - c. Spot grades at each end of the trench should be provided.
 - d. It is recommended that the 4" pipe be continued into the stone. When within the stone bed, a perforated pipe should be provided.

- e. It is recommended that the units provided on the detail are consistent and depicted all in inches or all in feet.
- f. It is recommended that a cleanout be provided at the change of direction of the 4” PVC.

Administrative

15. 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

RRD/mbs

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

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