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July 1, 2026
22200 91

Re: **Bulk Variance**
6 Iris Court
Block 15.05, Lot 30
Application # Z26-16

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

Dear Ms. Newton:

Our office has reviewed the Bulk Variance application for proposed improvements to the existing dwelling. The applicant is proposing to construct a 250 SF deck at the rear of their dwelling. In addition, a 10FT x 13 FT pergola will be constructed on a portion of the deck. The existing improvements include the single-family dwelling, concrete pad, driveway and landscaping.

The property is located within the Village Greenes development. The zoning district is Senior-1 (SEN-1). The single-family detached dwelling is permitted use within the zoning district. The dwelling is located within a subdivision on a street of similar type dwellings.

Submitted Application Materials

The following documents have been reviewed in support of this application:

1. Township of Evesham Land Development Application.
2. Survey of Premises, Lot 30, Block 15.05, dated December 31, 1998. Notes on plan by applicant showing location of improvements, undated.
3. Pergolux, Pergola Plans, 2 sheets, undated.
4. Deck Plans, with note, 2 sheets, undated and unknown preparer.

General Information

Owner: Thomas and Pameal Cimino
Applicant: 6 Iris Court
Marlton, NJ 08053

Zoning Review

1. The property is located in the Senior-1 (SEN-1) zoning district.
2. Per §160-73B, a single-family detached dwelling is a permitted used in this zoning district.
3. The following area and bulk requirements apply to this application:

Area and Bulk Requirements – SEN-1 Zoning District:
§160-73 and Attachment 17

Requirements	Required	Existing	Proposed	Status
Principle Structure				
Min. Lot Area	5,000 SF	4,480 SF	N/C	ENC
Min. Lot Width at Setback	50 FT	56 FT	N/C	C
Min. Front Yard Setback	15 FT	15.20 FT	N/C	C
Min. Side Yard Setback (one)	5 FT	~7.10 FT	N/C	C
Min. Side Yard Setback (west)	12 FT	~14.21 FT	N/C	C
Min. Rear Yard Setback	10 FT	15.1 FT	5.1 FT	V
Max. Impervious Cover (Percent)	55 %	54.5%	57.4%	V
Max. Building Height	35 FT	<35 FT	N/C	C

C = Conforming; N/C = No Change; V = Variance required

Variances

1. Per Attachment 17, the required rear yard setback is 10 FT. By definition, a deck is an accessory structure, however, accessory structures attached to the principal building are considered part of the principal building. Thus, the proposed deck, which is setback 5.1 FT from the property line should meet the setback of the principal structure, 10 FT. A variance will be required.
2. Per Attachment 17, maximum impervious coverage is 55% per lot. The applicant has provided an updated applicant which indicates that the existing impervious cover is 54.5% and the proposed coverage will be 57.4%. A variance will be 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) 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

3. The applicant should provide testimony regarding the existing patio and whether it is proposed to be removed as a result of the proposed construction.
4. The applicant should discuss how materials will be brought to the back of the dwelling. With approximately 7 FT of space on either side of the applicant’s home, construction vehicles may not easily access the rear of the dwelling. No impact to the adjoining parcels should occur as a result of construction activities.

- a. Should any impact from construction activities occur, the applicant and/or its contractor will repair any damage to the yards and landscaping of the adjoining parcel.
5. 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.

Administrative

6. We reserve the right to make further comments in our review of plans should additional information become available to address this initial review.
7. All future resubmissions of the plans shall clearly indicate a revision date and be accompanied by a point-by-point response letter to the comments of the above grading memo

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@zwattorneys.com
Thomas and Pameal Cimino, Applicant, via email [REDACTED]