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September 15, 2026
22200 95

Re: **Bulk Variance**
24 Hibiscus Drive
Block 11.49, Lot 18
Application # Z26-27

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

Dear Ms. Newton:

Our office has reviewed the application for a bulk variance. The Applicant seeks variance relief to construct a pergola over an existing patio within the rear yard setback.

The property is a single-family dwelling within the Village Greene development. The dwelling is located within a subdivision on a street of similar type dwellings. The zoning district is Senior-1 (SEN-1). The parcel is subject to an 8 FT Landscape Maintenance easement along the front of the property.

Submitted Application Materials

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

1. Township of Evesham Land Development Application, with Lot Coverage Worksheet.
2. Copy of Survey of Premises, dated 2015, prepared by Walter H. Macnamara Associates, Inc.
3. Location plan, dated May 2026, prepared by Distinctive Outdoor Structures.
4. Site Photos.

General Information

Owner: James Ufheil and Catherine McGill
Applicant: 24 Hibiscus Drive

Project Mgr.: Zachary DiSantis, Project Manager
Distinctive Outdoor Structures

Zoning Review

1. The property is located in the Senior-1 (SEN-1) zoning district.
2. Per §160-73B(1), senior citizen housing is a permitted principal use.

3. The following area and bulk requirements apply to this application:

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

Requirements	Required	Existing	Proposed	Status
Principle Structure				
Min. Lot Area	5,000 SF	5,850 SF	N/C	Conforms
Min. Lot Width at Setback	30 FT	65 FT	N/C	Conforms
Min. Front Yard Setback	15 FT	15.28 FT	N/C	Conforms
Min. Side Yard Setback (one)	6 FT	9.71 FT	N/C	Conforms
Min. Side Yard Setback (both)	15 FT	19.79 FT	N/C	Conforms
Min. Rear Yard Setback	20 FT	11.9 FT	0.0 FT	Variance
Max. Impervious Cover (Percent)	55%	57%	N/C	ENC
Max. Building Height	30 FT	Unknown	N/C	Conforms

ENC = Existing, Non-Conforming; N/C = No Change

Variances

1. Per §160-5B, any accessory structure attached to the principal building is considered part of the principal building. Per §160-73D and Attachment 17, a rear yard setback in this zoning district is 10 FT. The pergola is set at the rear property line for a 0 FT rear yard setback. A variance will be required.
2. Per §160-73D and Attachment 17, the maximum impervious coverage in this zoning district is 55%. The existing impervious coverage is 57%. The proposed pergola is to be constructed on an existing rear yard patio. The proposed impervious coverage remains at 57%. This is an existing, non-conforming condition.

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 proposed 215 SF pergola is to be placed on top of the existing patio. It is noted that a garden wall extends up to 6.02 FT beyond the property line onto Lot 30, which is identified as an open space lot owned by Village Greene. Site improvements on individual lots cannot extend beyond the property lines. The applicant should discuss any prior approvals and/or easements received for the installation of the wall and associated landscaping.

- a. There are wetlands and a wetlands buffer located on Lot 30. No dimensions between the property line and the wetlands is provided. The patio installation should not have affected the wetlands identified on the tax map.
4. It is noted that a patio is not considered a permitted accessory use in this zoning district. While it is understood that many neighbors have patios (per the Applicant's application summary), if prior relief has not been granted for the installation of the patio, a bulk variance from §160-73C would be required.
5. The applicant should provide the dimensions for the proposed pergola. Since the patio is constructed on the adjoining parcel, the depth of the pergola should not extend beyond the property line. In other words, the depth should be no greater than the requested relief of 0 FT at the rear property line (or the existing setback of 11.95 FT).
6. A height of the pergola should be provided.

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.
8. 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
James Ufheil, Applicant, via email [REDACTED]
Catherine McGill, Applicant, via email [REDACTED]