

**TOWNSHIP OF MAPLE SHADE
ZONING BOARD OF ADJUSTMENT
RESOLUTION No. 2025-ZB-24-13**

**RESOLUTION GRANTING CERTIFICATION
OF PRE-EXISTING, NONCONFORMING
RESIDENTIAL QUADPLEX USE ON
BLOCK 38, LOT 4, TAX MAP,
TOWNSHIP OF MAPLE SHADE**

WHEREAS, Dean Evans has made application to the Zoning Board of Adjustment of the Township of Maple Shade for a certification of pre-existing quadplex status pursuant to New Jersey Statute 40:55D-68; and

WHEREAS, the matter coming on to be heard at a public meeting on February 12, 2025, pursuant to all notices required by law, and the Board having heard the testimony presented and having examined the exhibits filed, finds the following facts and conclusions of law:

A. The subject property is identified as 33 Mecray Lane in the R-1 Residential Zoning District. The property has 132.0 feet of frontage on Mecray Lane and a depth of approximately 200 feet. The property contains an existing three-story frame dwelling identified on the survey as a “multi-unit apartment”. The dwelling has a front yard setback of approximately 33 feet to the foundation, excluding the covered front porch.

B. The property owner is seeking a certification of pre-existing status in the R-1 Zone as a 4-unit residential dwelling (quadplex) use, as permitted under New Jersey Statute 40:55D-68 of the Municipal Land Use Law. Testimony in support of the application was provided by Dean Evans as the property owner, and by James Kyle, P.P., a Certified Professional Planner licensed in the State of New Jersey.

C. The following exhibits were presented in support of the pre-existing status of the property as a quadplex.

1. Tax assessment records dated December 14, 1987, and September 1, 2006, which indicate that the building is a quadplex.

2. A census of population and housing from both 1940 and 1950 which indicate that there were multiple heads of household at 33 Mecray Lane.
3. Multiple newspaper advertisements for the rental of units at the site dating back to the 1940's.
4. State of New Jersey, Department of Community Affairs ("DCA"), Multiple Dwelling Registration dated June 20, 2007.
5. Certificate of Inspection, State of New Jersey, DCA, dated May 14, 2019.

D. The applicant provided testimony that he purchased the property in December 2005, at which time the building contained 4 existing residential units rented to tenants. The property was registered with the State of New Jersey as having 4 units. Each unit has its own separate utility meters. The leasing of 4 residential units has continued unabated since the 1940's and during current ownership since 2005. There have been occasions during the applicant's period of ownership that he occupied one of the units himself. The applicant believes he has submitted sufficient documentation that the property has been occupied as a multi-family residence since approximately the decade of the 1940's. This was prior to the enactment of the original Maple Shade Zoning Ordinances in 1956 and the enactment of single-family zoning for the property in 1971.

E. The applicant submitted a floor plan showing 4 separate living areas. Also submitted is a survey demonstrating ample off-street parking available.

F. During the public portion of the hearing the board heard testimony which is summarized as follows:

1. Richard Michaelson resides at 55 Mecray Lane (2 doors down). He has lived there since 1985. He has not personally met the owner of the PIQ. In 1985 the property was occupied by the previous owner on the first floor. Most of the comments by Mr. Michaelson pertained to issues of upkeep and maintenance of the property.
2. Lindsey Josepayt lives at 41 Mecray Lane which is next door the the PIQ. She observes that the applicant is generally an absentee owner and the property is not well-maintained.

G. The Zoning Board is satisfied that the applicant has demonstrated a sufficient history of quadplex use, going back to at least the 1940's, to justify the issuance of a certificate certifying that the occupancy as a 4-unit dwelling predates the Enactment of Prohibiting Ordinances and that the quadplex occupancy may continue as a pre-existing nonconforming use.

NOW, THEREFORE BE IT RESOLVED by the Maple Shade Zoning Board of Adjustment that the applicant is granted the following relief:

1. This Resolution constitutes a Certificate of Approval of pre-existing, nonconforming use of 33 Mecray Lane as a 4-unit dwelling as presently constructed and situated. This approval is granted under the provisions of New Jersey Statute 40:55D-68 of the Municipal Land Use Law.
2. The applicant shall comply with any building code requirements that may be applicable to a multi-family dwelling. This certificate should not be interpreted as an approval of the condition, habitability or structural integrity of the building, and is limited to a determination of its pre-existing status of use as a 4-unit dwelling.
3. This approval is conditioned upon the applicant providing sufficient escrow funds to pay professional and consulting fees incurred during the course of review and approval of the application in accordance with Section 88-10 of the Ordinance.
4. This approval is conditioned upon payment of any outstanding taxes or assessments on the property in accordance with Section 22-35 of the Ordinance.

DATE:

MOTION TO APPROVE CERTIFICATE OF PRE-EXISTING QUADPLEX

YES

NO

RADIE

MORTIMER

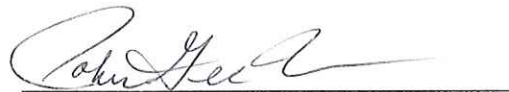
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Pradip Soni 03/12/2025

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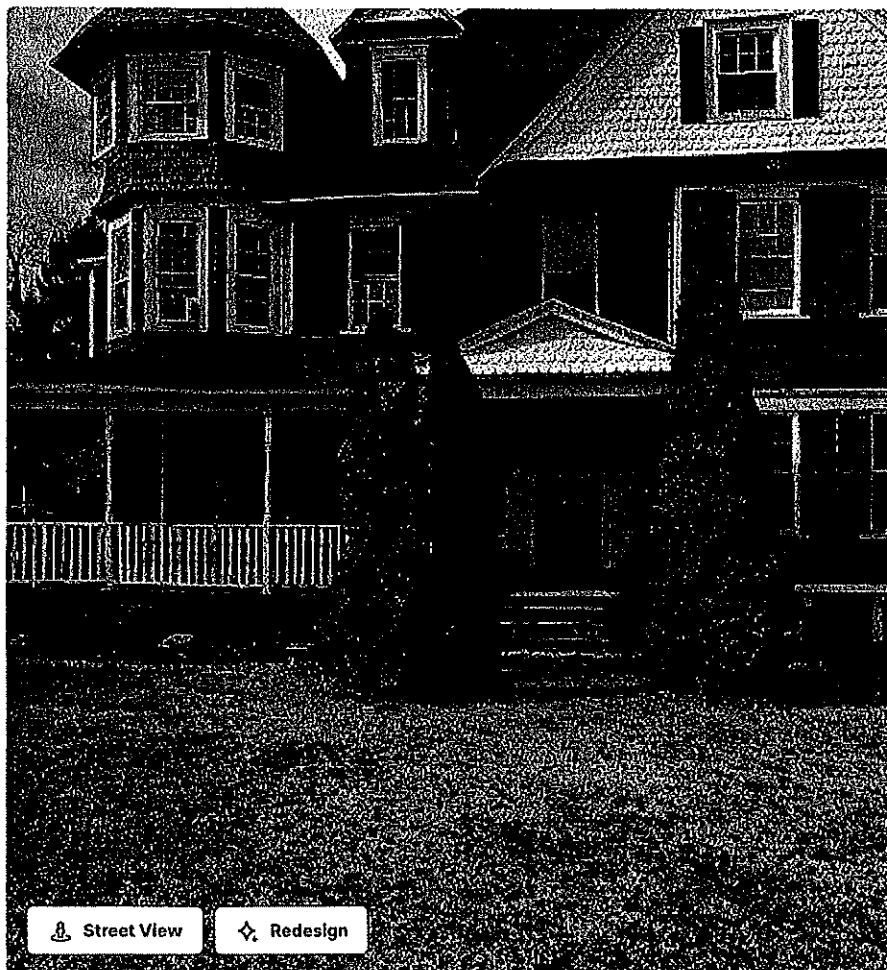
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