

**TOWNSHIP OF MAPLE SHADE
ZONING BOARD OF ADJUSTMENT
RESOLUTION No. ZBA-2025-06**

**RESOLUTION GRANTING CERTIFICATION
OF PRE-EXISTING, NONCONFORMING
RESIDENTIAL DUPLEX USE ON
BLOCK 35, LOT 3.03, TAX MAP,
TOWNSHIP OF MAPLE SHADE**

WHEREAS, Flex Reno LLC has made application to the Zoning Board of Adjustment of the Township of Maple Shade for a certification of pre-existing duplex occupancy pursuant to New Jersey Statute 40:55D-68; or in the alternative a use variance to permit duplex occupancy; and

WHEREAS, the matter coming on to be heard at public meetings on July 9, 2025, and August 13, 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 105 Mecray Lane in the R-1 Residential Zoning District. The property is located at the corner of Mecray Lane and Maple Avenue. The lot has 58.20 feet of frontage on Mecray Lane and 166.36 feet of side frontage on Maple Avenue. The property has a lot area of 11,393 square feet and contains an existing 2 ½ story frame dwelling located as shown on the attached survey.

B. The applicant is the owner of the property, purchased by deed dated January 10, 2024. The applicant seeks a certification under New Jersey Statute 40:55D-68 that the dwelling is a duplex use which pre-dates the R-1 zoning which prohibits such use. In the alternative, the applicant seeks a use variance to permit duplex occupancy.

C. At the Zoning Board Meeting on July 9, 2025 the applicant's attorney represented to the Board that at that point he lacked sufficient proofs to establish a duplex use of the property prior to 1989, and that he wished to proceed with a use variance application.

D. Testimony was provided by David Lewis who is a prior owner of the property. He stated he purchased the property in 1989, and it was occupied as a first floor/second floor duplex

at that time (the actual deed is dated July 31, 1990). The 2 units had separate gas and electric utility meters as well as separate washer/dryer appliances. The stairs to the second floor unit are located inside the lower level front porch structure. Mr. Lewis stated he does not know how long prior to his purchase the property was occupied as a duplex. He did state that the separate stairs to the top floor unit were existing at the time of his purchase, and the building has the same physical appearance as it did in 1990. He further stated that the building was inspected by the fire official in connection with his purchase and inspected by the fire official upon a change of tenant.

E. The following exhibits were introduced on behalf of the applicant:

A-1: Property survey.

A-2: Floor plan for both units.

A-3: Photo of split utilities.

A-4: Photos of other duplex dwellings in neighborhood.

A-5: 1956 Ordinance (allowed multi-family dwelling by conversion under certain conditions).

A-6: 1979 Ordinance (allowed 2-family dwelling as a conditional use meeting certain conditions).

F. Additional testimony was provided by Justin Holl as the principal of Flex Reno, LLC. His entity purchased the property in January 2025. He inspected the property prior to purchase and observed its use as a duplex. He has installed certain upgrades to the 2 units and the property is listed for sale as a duplex. The applicant currently before the Zoning Board was prompted to file a Zoning Board application by a letter (May 8, 2025) from the Maple Shade Community Development Director giving notification that a duplex is not a permitted use in the zone in the absence of a variance approval or a certification of pre-existing status.

G. The application has been reviewed by the ZBA Engineer (Turek Consulting, LLC) by letter dated July 7, 2025. The review letter summarizes the proofs required to establish a

pre-existing use or in the alternative a use variance for duplex occupancy. The review letter comments on the following zoning issues which would require a variance in addition to the duplex occupancy issue, in the event the duplex is not determined to be pre-existing.

1. 18,000 square foot lot required for a duplex. Existing lot is 11,393 square feet.
2. Off-street parking is required in compliance with RSIS Standards. No parking is currently shown.
3. Need to show storage and waste disposal plan.
4. Variance required for existing setbacks.

H. At the conclusion of the ZBA hearing on July 9, 2025, the application was continued to August 13, 2025, to permit the applicant to seek additional evidence on the issue of the pre-existing status of a duplex use.

I. At the ZBA meeting on August 13 2025 it was initially established that the proofs to establish a duplex use would need to pre-date 1971, that being the last fully documentable year of a prohibition of duplex use in the R-1 Zone.

J. The applicant's attorney presented the following witnesses, whose testimony is summarized as follows:

1. Tony Ziccardi is the son of Joseph and Elizabeth Ziccardi. His parents owned the property when he was born in 1947. The building had separate kitchens and separate accesses at that time. There was a period of time when it was not occupied as a multi-family dwelling, however, it was converted back to a duplex in 1960. The interior stairs to the second floor existed at that time. Tony lived on the 2nd floor. The property was sold as a duplex by his father in 1978. Tony's brother and his wife lived on the 2nd floor during this time period.

2. Paul Osterling is the son of Allen and Mary P. Osterling, who purchased the property from Ziccardi in 1978 as an existing duplex. The duplex use was continuous during the period 1978 through 1990. During this period, Paul Osterling was familiar with the duplex use, as he frequently did lawn mowing and maintenance on the building. The building was occupied as an up/down duplex with separate accesses and separate kitchens.

K. In addition to the witness testimony, the applicant's attorney introduced the following documents in support of the duplex use:

1. Tax assessor record showing assessment based on 2 units.
2. Agreement of Sale from Osterling to Lewis, dated July 1990 representing the building as being a "two family home", which was subject to an existing lease.

L. There were no questions or comments during the public portion of the hearing.

M. Based on the information submitted to the Zoning Board at the meeting on July 9, 2025, and supplemented by witness testimony and documentation presented at the August 13, 2025 meeting, the board is satisfied that the applicant has presented sufficient proofs as required under New Jersey Statute 40:55 D-68 (nonconforming structures and uses) to establish the existence of duplex occupancy in the dwelling prior to 1971. The witnesses presented have all testified that they have lived in the neighborhood and they are familiar with the continuous occupancy of the dwelling in question as a duplex unit.

NOW, THEREFORE BE IT RESOLVED by the Maple Shade Zoning Board of Adjustment that the applicant is granted by this Resolution a Certificate, as authorized by New Jersey Statute 40:55 D-68, certifying that the duplex use existed prior to the adoption of an ordinance which rendered the use nonconforming.

IT IS FURTHER RESOLVED that this property is referred to the Construction Department of the Township of Maple Shade for any code requirements that apply to a building of duplex occupancy.

IT IS FURTHER RESOLVED that as a result of the above decision, the alternative application for a use variance is dismissed as being moot.


DATE: September 10th, 2025

MOTION TO GRANT PRE-EXISTING DUPLEX STATUS

YES

NO

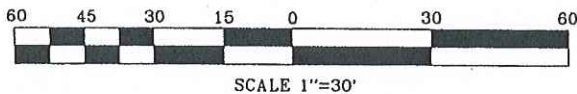
VALENTINO
BEBITCH
MORTIMER
ZEREGA
REEVES
GEE, JR.



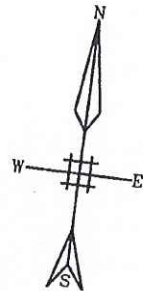
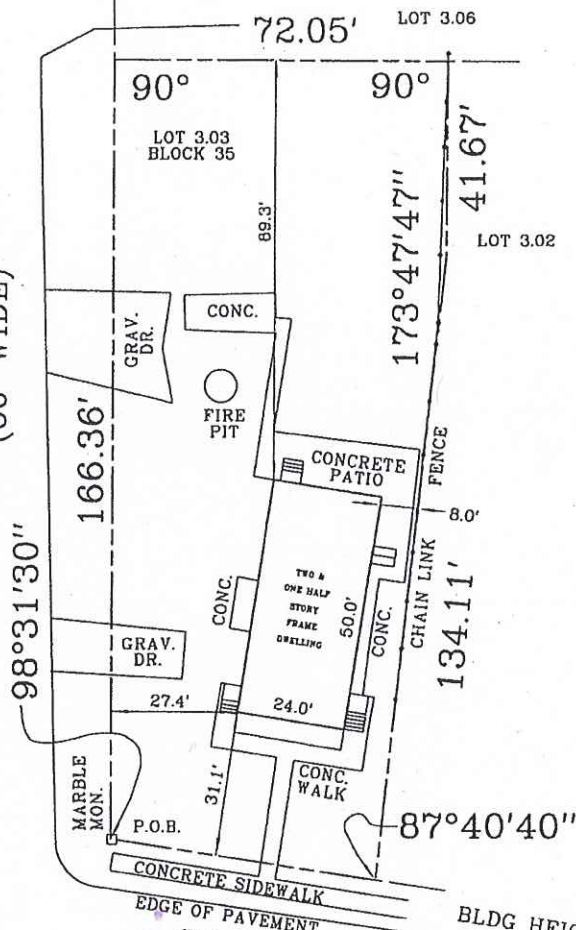
JOHN GEE, JR.,
BOARD CHAIRMAN



SUSAN DANSON,
SECRETARY PRO TEM



MAPLE AVENUE
(60' WIDE)



MECRAY LANE
(40' WIDE)


LOT AREA = 11,393 SQ.FT.

CORNER MARKERS TO BE SET

SURVEY NOT INTENDED TO GUARANTEE OWNERSHIP.

DESCRIPTION PROVIDED IN DEED BOOK 52060 PAGE 18900

BLDG HEIGHT LESS THAN 35'
50.0 X 24.0 = 1,200.00 SF = 10.5 % BUILDING RATIO
11,393

 <p>DONOVAN LAND SURVEYING & PLANNING Surveyors</p>	813 W. WOOD AVE. SOMERDALE, NJ 08083 (856) 627-3550 Fax: (856) 627-0330 DonovanSurveyors@comcast.net	DATE: 05/19/25 SCALE: 1"=30' DRN. BY: ALD	SURVEY NO. 2505046
	SURVEY OF PREMISES 105 MECRAY	SITUATE IN MAPLE SHADE TOWNSHIP BURLINGTON COUNTY NEW JERSEY	25-05-29 BLDG RATIO

TO: CARMEN IOSSA

I, John Donovan, a New Jersey Licensed Land Surveyor, have prepared a land survey on the above mentioned site, and have found the conditions as shown, that can be seen, except such easement that are not visible and in accordance with a description that has been furnished. This statement runs to the above-mentioned client and companies and this transaction only. All others relying on this survey must have express written permission from this surveyor.

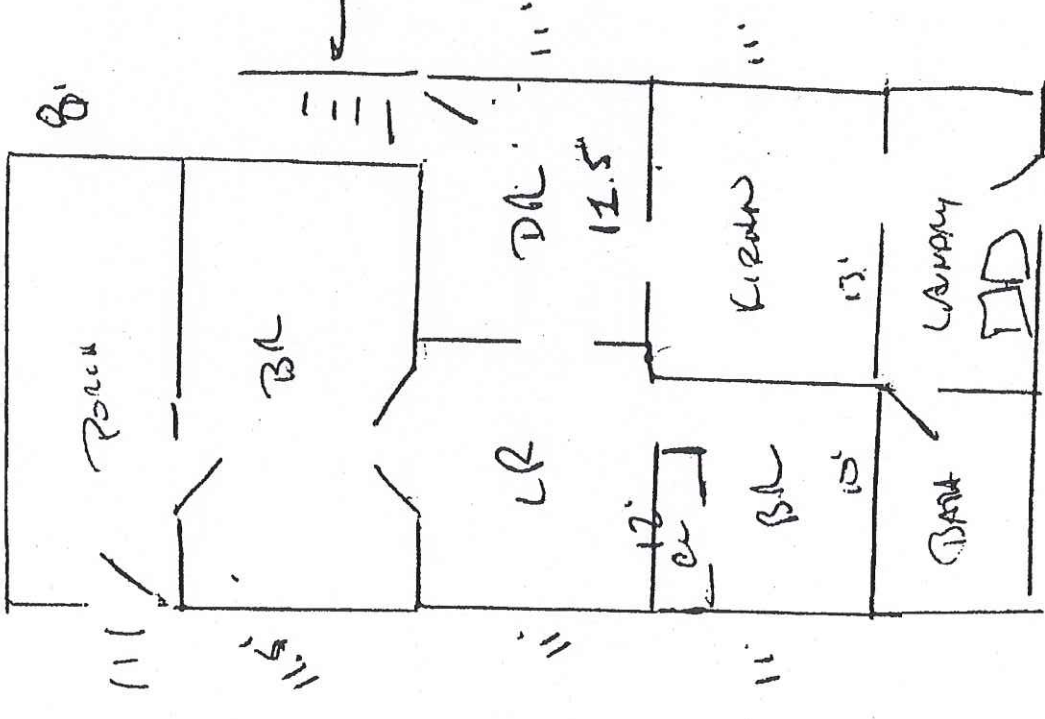
(Signature)
JOHN DONOVAN

NJ Prof. Land Surveyor # GS 30738
Prof. Planner #L1 04198

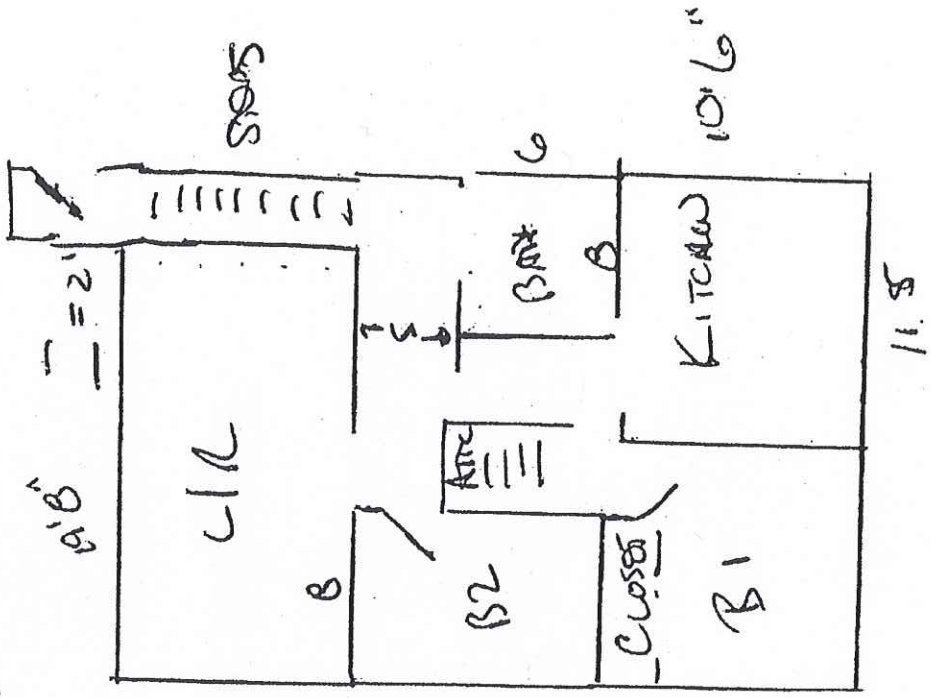
JUSTO & CAMERO
105 WOCILAN/
KAPLES SHOPS.

1st FL

20



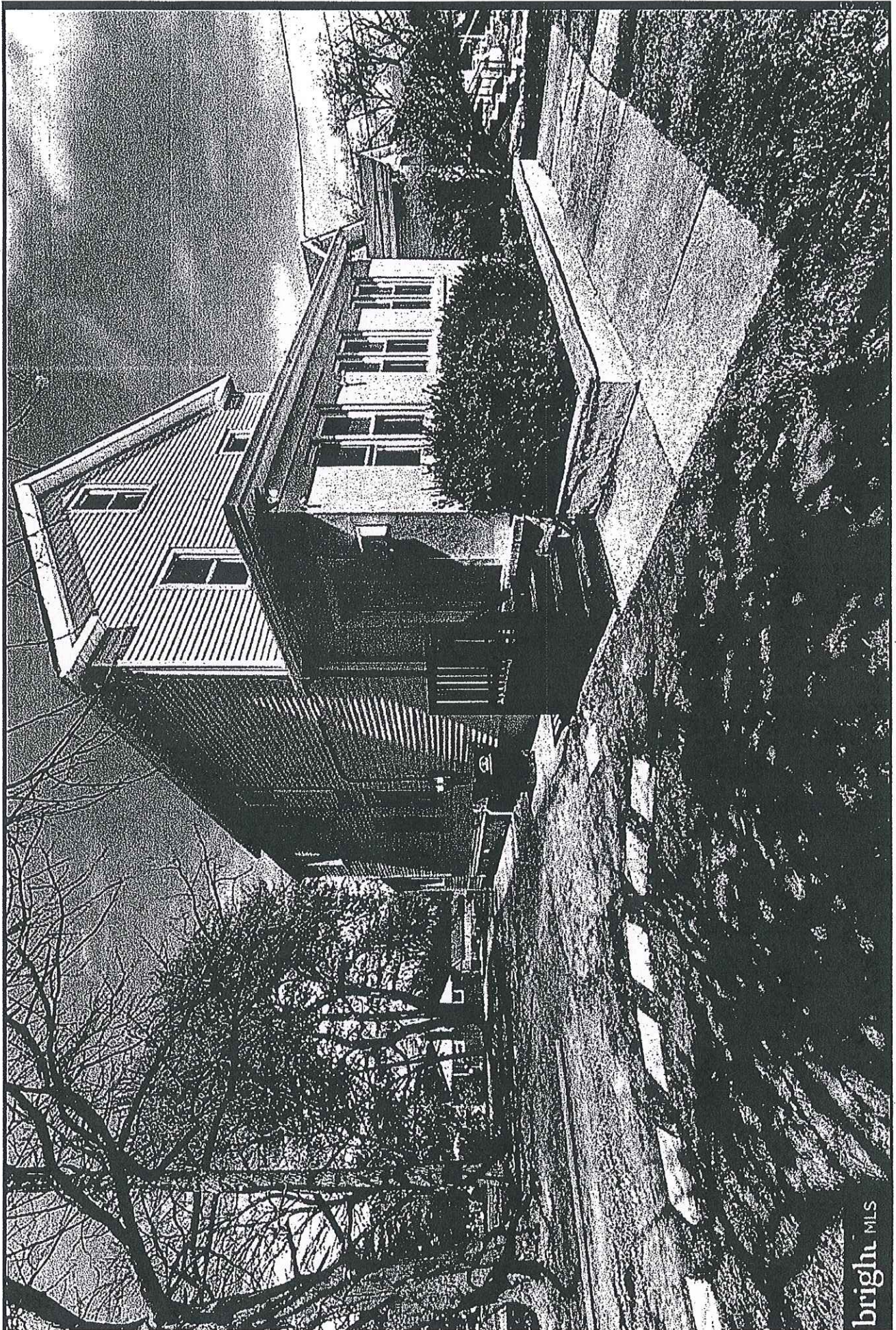
2nd FL



← BASEMENT

11.5

11.5



bright MLS