

FOR OFFICIAL USE ONLY

Planning Board

Zoning Board of Adjustment

Name of Application: _____

Docket Number : _____

PART A

APPLICANT REQUESTS THE FOLLOWING:

Explain, in detail sufficient for the Board to understand the nature of the proposal, the exact nature of the proposed application and proposed physical modifications to be made to the site, building(s) and/or signage including the proposed use of the premises.

Install an above ground pool in an existing fenced in yard. Relief is being requested because the property is zoned R40 with requirements for 1 acre lots. However, the lots in this neighborhood are typically .5 acres and should be subject to the the requirements of R-20.

The location of the pool was chosen so 3 mature trees would not be impacted and the pool can be located where it will receive sunlight. The 0.48 acre lot does not meet the requirements of R40, the accessory requirements are 25' rear and side setback. This Variance request is for 15' side and rear yard setbacks.

setback requirement severely limits where any improvement can go. This request is to locate
Identify the type of variance(s) requested. Check all that apply.

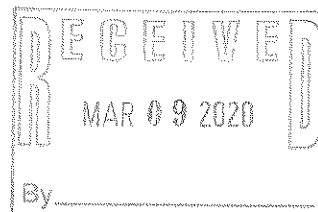
"C" Variance(s)

- The strict application of the provisions of the Development Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship - N.J.S.A.. 40:55D-70.C(1)
- The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment - N.J.S.A.. 40:55D-70.C(2)

"D" Variance(s):

- Use or principal structure in a district restricted against such use or principal structure - N.J.S.A.. 40:55D-70.D(1)
- Expansion of a nonconforming use - N.J.S.A.. 40:55D-70D(2)
- Deviation from a specification or standard pertaining solely to a conditional use - N.J.S.A.. 40:55D-70. D(3)
- Increase in the permitted floor area ratio - N.J.S.A.. 40:55D-70.D(4)
- Increase in the permitted density - N.J.S.A.. 40:55D-70.D(5)
- Height of a principal structure exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure - N.J.S.A.. 40:55D-70.D(6)

December 2018



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Identify requested variances from the requirements of the Franklin Township Land Development Ordinance:

<u>Ordinance Section</u>	<u>Requirement</u>	<u>Proposed Deviation</u>
§112- 13 &16	Side yard 25', rear yard 50'	15' side and rear yard
§112-		
§112-		
§112-		
§112		
§112		
§112-		

PART B

APPLICANT: Individual Partnership Corporation

APPLICANT: Owner Applicant Other _____

Name Andrew Burian & Carolyn Dellatore

Street Address 36 Buffa Drive Apt./Ste/Unit # _____

City Franklin State NJ Zip Code 08873

Phone 732 610 4720 Fax _____

Email aquatect@gmail.com

OWNER (if different from Applicant):

Name _____

Street Address _____ Apt./Ste/Unit # _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____

Email _____

PART C

Note: "*" indicates not required in association with signage variances

SUBJECT PROPERTY:

Block/s 84 Lot/s 24 Zone R40

Street Address 36 Buffa Drive

City Franklin State NJ Zip Code 08873

Approximate Site Size * 0.48 Acres/ Sq. ft.

Present use of the property, specify: Single Family Residential

Proposed use of the property, specify: Single Family Residential

Public water available: * [X] Yes [] No If not, proposed? [] Yes [] No

Public sanitary sewer available: * [X] Yes [] No If not, proposed? [] Yes [] No

Describe any off tract improvement required or proposed* N/A

Deed restrictions, covenants, easements, association by-laws:

[] Yes (Provide a copy) [X] No [] Proposed (Must be submitted for review)

Does the applicant own any contiguous property?* [] Yes [X] No

If yes, state the address, block and lot of such property: *

Has there been any previous appeal, request, or application to this or any other Township Boards involving this property? [] Yes [X] No

If, yes, state type, docket number, the nature and date of such appeal:

How long has the present owner had title to this property? * 10 years

Is the property under contract to be sold? [] Yes [X] No

If yes, state the date of contract and name of the contract purchaser:

PART D

Identify if the application is proposed to be bifurcated (i.e., variances identified herein sought at this time with approval for other development approvals, such as subdivision and/or site plan approval, to be sought at a later date): Yes No

If not bifurcated, identify the associated development approvals sought at this time (check all that apply):

- Waiver of Site Plan
- Minor Site Plan
- Preliminary Site Plan
- Final Site Plan
- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision
- Conditional Use Approval
- Other(s) (Specify: _____)

Note: Applicant must consult the respective Instruction Sheet(s) and Submission Checklist(s) for the associated development approvals being sought at this time. The submission will not be deemed an Application for Development unless all required submissions are provided for all requested development approvals.

If bifurcated, identify the nature of subsequent development approvals to be sought: _____

For signage variances indicate the following:

- Single Tenant Building
- Multiple Tenant Building

PART E

C Variance(s):

- The strict application of the provisions of the Development Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship under N.J.S.A.. 40:55D-70.C(1)

List in detail wherein this case conforms to this requirement, including, if applicable, reference to exceptional narrowness, shallowness or shape of the property, or exceptional topographic conditions or physical features uniquely affecting the property, or extraordinary and exceptional situation uniquely affecting the property or the structures lawfully existing thereon.

The property is subject to R-40 zoning requierments. R-40 requiers 1 acre lots. The subject property is only .48 acres. The above ground pool is to be located outside the root zone of three mature trees.

and/or

The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment under N.J.S.A.. 40:55D-70.C(2).

List in detail wherein this case conforms to this requirement:

D Variance(s):

State why the property is particularly suitable for the proposed use, including any inherently beneficial conditions and/or any undue hardship, if any, showing that the property cannot reasonably be adapted to a conforming use:

C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good. The above ground pool will not be visible from the front yard or any public right of way. A wooded buffer existing along the back side of the property that provides minimal visibility between property owners. A planted row of trees exists along the side yard exists providing minimal visual connection from the neighboring property.

Supply a statement of facts why relief can be granted without substantial detriment to the intent and purpose of the zone plan and zoning ordinance.

Only two properties on Buffa Drive meet the 1 acre lot requirements of R-40. All other properties are 0.5 acre or less, including the surrounding subdivision along Margret Road which used the Residential Cluster Option in order to have lots 0.5 acre or less. Properties in this area are more aligned with the requirements of R-20. The proposed site improvements include an above ground pool which are generally considered personal property and not an improvement.

PART F

LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:

<u>Quantity:</u>	<u>Description of Item:</u>
<u>1</u>	<u>Site drawing indicating proposed location of pool</u>
<u>1</u>	<u>Property survey dated 5/11/10 from purchase of proerty</u>
<u>1</u>	<u>Screen capture of google earth showing property and existing mature tree canopys</u>

PART G

CONTACT PERSON INFORMATION/ CERTIFICATION

The person indicated below shall serve as the point-of-contact with the Township Department of Planning and Zoning and shall be the sole recipient of official correspondence from the Department. By signing this form, in Part H below, the Applicant and Owner certify that that the party listed below is authorized to act on their behalf as the designated contact person with the Department.

Owner Applicant Attorney Engineer Architect Other

Name Andrew Burian & Carolyn Dellatore

Street Address 36 Buffa Drive Apt./Ste/Unit # _____

City Franklin State NJ Zip Code 08873

Phone 732 610 4720 Fax _____

Email aquatect@gmail.com

PART H

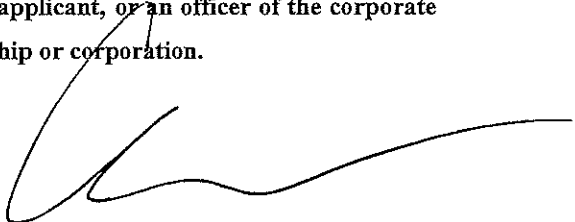
APPLICANT'S CERTIFICATION

I, Andrew Burian, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 36 Buffa Drive in the County of Somerset and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the individual applicant, or a general partner of the partnership applicant, or an officer of the corporate applicant and I am authorized to sign the application for the partnership or corporation.

Sworn to and subscribed before me this 3rd day of

March, 2020


NOTARY PUBLIC


APPLICANT'S SIGNATURE
Denise M. Contrino
A Notary Public of New Jersey
ID No. 2043537
Commission Expires April 25, 2023

OWNER'S CERTIFICATION

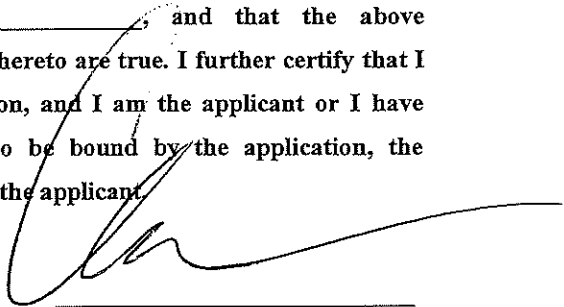
(If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner.)

I, Andrew Burian, of full age, being duly sworn according to law and upon my oath depose that: I reside at 36 Buffa Drive in the County of Somerset and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner of the property which is the subject of this application, and I am the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

Sworn to and subscribed before me this 3rd day of

March, 2020


NOTARY PUBLIC


OWNER'S SIGNATURE
Denise M. Contrino
A Notary Public of New Jersey
ID No. 2043537
Commission Expires April 25, 2023