

Franklin Township

Somerset County, New Jersey



Technical Review Committee

MEMORANDUM

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To: Zoning Board of Adjustment

From: Technical Review Committee

Date: April 15, 2020

Re: Andrew Burian & Carolyn Dellatore – “C” Variance for Above-Ground Pool
36 Buffa Drive (Block 84.03; Lot 24)

As requested, we have reviewed the submitted application materials listed below and issue the following report for the Board’s consideration.

Site and Project Description

The subject site is a roughly 0.48 acre site located on Buffa Drive within the R-40 Residential zoning district. The site is currently improved with a single-family home which is served by public water and sewer.

The application seeks to erect a 24-foot diameter round above-ground pool in the left-rear corner of the property. The proposed placement of the pool requires the following variances:

- *Side Yard Setback (Accessory Structure)*: 25 feet required – 15 feet proposed
- *Rear Yard Setback (Accessory Structure)*: 25 feet required – 15 feet proposed

Variances - Overview

‘C’ Variances

With respect to the ‘c’ variances, the applicant needs to demonstrate whether each would satisfy the c-1 (hardship) and/or c-2 (advancement of the MLUL) criteria.

With respect to the c-2 criteria, the applicant would need to demonstrate that the proposed variances would represent a better zoning alternative than compliant development such that the purposes of the MLUL would be advanced. Alternatively, the applicant would need to prove that a hardship (C-1) exists such that the application cannot be made to comply.

With respect to the negative criteria, the applicant must demonstrate that the variances would not result in substantial detriment to the public good (“1st prong” of negative criteria) and will not substantially impair the intent and purpose of the zone plan and zoning ordinance (“2nd prong of negative criteria). Finally, the applicant must prove that benefits of granting the variances would substantially outweigh any detriments resulting from grant of the variances.

Review Comments

1. The TRC offers no comments or concerns related to the variance request.
2. The applicant has provided statements in support of the variances in the Application Form. It is recommended that the Board review these statements and that the applicant provide such testimony at the hearing.

