

Franklin Township

Somerset County, New Jersey



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Technical Review Committee

MEMORANDUM

To: Zoning Board of Adjustment

From: Technical Review Committee

Date: August 20, 2020

Re: Faris Jirjis – Impervious Surface “C” Variance for Patio
109 Churchill Avenue (Block 101; Lot 62.01)

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 11,000 square foot site within the R-10 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 28-foot by 25-foot (700 square foot) patio to the rear of the existing house. The following variance is required:

- *Impervious Coverage*: 30% permitted – 26% existing - 33% proposed

The application materials (most relevant portions included in this memorandum) show:

- the size and location of the patio; and
- the applicant’s justification for the variance

Variations - Overview

‘C’ Variations

With respect to the ‘c’ variations, 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 variations 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.



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.

*I'm planning to build a 28 feet long
by 25 feet deep*

*The project improve the character of the
neighborhood with comprehensive plan
and the attach characteristics*

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-70.D(2)

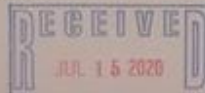
Deviation from a specification or standard pertaining solely to a conditional use - N.J.S.A. 40:55D-70.D(3)

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)

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PART C

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

SUBJECT PROPERTY:

Block/s 101 Lot/s 62.01 Zone _____

Street Address 109 Churchill Ave

City Somerset State NJ Zip Code 08877

Approximate Site Size * 0.2533 Acres/ 11,035 Sq. ft.

Present use of the property, specify: Home

Proposed use of the property, specify: Additional et Patio

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

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

Describe any off tract improvement required or proposed* None

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

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

Does the applicant own any contiguous property? * Yes 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 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? * Since 2011

Is the property under contract to be sold? Yes 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: Add 28 feet long X 25 feet deep, open attached patio to home)

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 proposed patio is reasonably-sized and that variance is not significant
Also:
- one of the surest ways to add instant curb appeal to our home
- Increase value of our home
- An outdoor living space can provide years of fun in the sun for my family and visiting friends 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:

I'm requesting for a variance so my family and I enjoy the patio
Improve the backyard and install the patio next to the home will improve the "deck-like" feel

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:

It's suitable because the builder built out to the max - which precludes virtually any patio without variance.

C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good.

The proposed patio is reasonably-sized that variance is not substantial to the public good.

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.

The proposed patio is reasonably-sized and that variance is not substantial detriment to the intent and purpose of the zone plan and zoning ordinance.

