Franklin Township

Somerset County, New Jersey

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

Variances - Overview

<u>'C' Variances</u>

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.



Municipal Building 475 DeMott Lane Somerset, NJ 08873 732.873.2500 Fax: 732.873.0844 www.franklintwpnj.org 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.



□ Planning Board □ Zoning Board of Adjustment \start et Application	R OFFICIAL USE ONLY	
PART A APPLICANT REQUESTS THE FOLLOWING: Explain, in detail sufficient for the Board to understand the nature of the proposal, the exact nature oproposed application and proposed physical modifications to be made to the site, building(s) and/or shincluding the proposed uses of the premises. Image: Ima	Planning Board	Zoning Board of Adjustment
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	PART	C		
Note: "** indicates not required in	association with s	ignage variance	s	
SUBJECT PROPERTY:				
Block/s 101	Lot's 6.	2.01	Zone	
Street Address 109 Ch				100
city_Somersit	State_N	T	Zip Code	0887
Approximate Site Size * 0 - 2				_Sq. ft.
Present use of the property, specify:	21.04		the second second	
Proposed use of the property, specify:			et Patio	,
Public water available:*			If not, proposed?	
Public sanitary sewer available: *	Ves Ves	No No	If not, proposed?	Ves DN
Describe any off tract improvement re	quired or proposed	· Alc	ne	
Does the applicant own any contiguou If yes, state the address, block and lot			rs 🍂 No	
Has there been any previous appeal, this property? If, yes, state type, docket number, the		Lites	ay other Township E	loards involv
	and many	The second	and and a	and a start
and the second second				
How long has the present owner had t	itle to this property	· Siv	ice 2011	(and the second
Is the property under contract to be se	old?	1 Yes	X No	and the second s
How long has the present owner had to Is the property under contract to be so If yes, state the date of contract and n	old?	1 Yes	KN0	
Is the property under contract to be se	old?	1 Yes	R No	

In-Street, Square, Squ	PART D
approvat for other det	is proposed to be bifurcated (i.e., variances identified herein sought at this time velopment approvals, such as subdivision and/or site plan approval, to be sought at () No
If not bifurcated, identify th	he associated development approvals sought at this time (check all that apply):
	Minor Site Plan Reeliminary Site Plan Final Site Plan Minor
Subdivision 🗌 Preli	iminary Major Subdivision Final Major Subdivision Conditional Visco
Approvat (Q Other(s)	(Specity: Add 28 fect long x 25 fect decp) Open attached patio to home
for the associated d	ast consult the respective Instruction Sheet(s) and Submission Checklist(s) levelopment approvals being sought at this time. The submission will not lication for Development unless all required submissions are provided for
If bifurcated, identify the na	ature of subsequent development approvals to be sought:
a and had	a star mande and had a latter of
For signage variances indica	ate the following:
Single Tenant Building	Multiple Tenant Building
	PARTE
C Variance(s):	
The strict application or exceptional practical difficult	of the provisions of the Development Ordinance would result in peculiar and lities or exceptional and undue hardship under N.J.S.A., 40:55D-70.C(1)
ist in detail wherein this car	se conforms to this requirement inclusion in
he structures lawfully existin	ng thereon.
The Prep	variance is reasonably - sized
and that i	rarrance is not significant
Also Att	Surrect works to all interest
- Increase 1	Surest ways to add instant curb affeal to rative of bur home previde years
An outdoo.	- Tiving space can provide years ourth
Frun in the Usiting frie	sun for my family and inder
0	

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 vequesting for a variance so my family and I enjoy the Patio Dest to the back yord and install the patie pext 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 snitable 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 resenably - 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 relanably-sized and not substantial determent that variance is intent and purpose of the Zone 70 Zoning ordinagge plan and



