

Franklin Township

Somerset County, New Jersey



Township Technical Review Committee (TRC)

Municipal Building
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MEMORANDUM

To: Zoning Board of Adjustment

From: Technical Review Committee (TRC)

Date: January 7, 2021

Re: Xin Liu – Certification of Pre-Existing Non-Conforming Use (ZBA-20-00022)
166 Victor Street (Block 143, Lots 15-17)

Site and Project Description

The subject of the hearing is an application for Certification of Pre-Existing, Non-Conforming Use for a 7,500 square foot property located in the R-7 residential district. The subject site contains a main home and a detached building behind the house.

The applicant contents that the detached building has been occupied as a residence and has requested that the Board certify same as a pre-existing non-conforming use.

Note: While the R-7 zone permits “two-family dwellings” such dwellings must by definition exist in the form of a duplex (i.e., attached) and must be located on a lot of at least 15,000 square feet. Two separate dwellings on a property is not a permitted use in the R-7 zone and at 7,500 square feet the lot is ½ the size of what would be required for a two-family dwelling.

By applying for a Certification of Pre-Existing Non-Conforming Use, the applicant is contending that this situation existed prior to the adoption of the applicable zoning ordinance.

In support of their application the applicant has submitted:

- Survey of the property prepared by Professional Land Services dated 10/14/20
- Report entitled “Type of Occupancy for the Property at 166 Victor Street, Somerset, NJ, 08873” prepared by DM Bekus Construction Services, Inc. and dated 9/1/20

These materials are available for review on the Township website:

<https://www.franklintwpnj.org/Home/Components/Calendar/Event/15588/2193>

Review Comments

1. In order for the Board to grant Certification of Pre-Existing Non-Conforming Use the applicant must prove that:
 - the uses existing prior to enactment of the zoning ordinance; and
 - the uses have remained in uninterrupted existence since that time.

Figure 1: Site Location

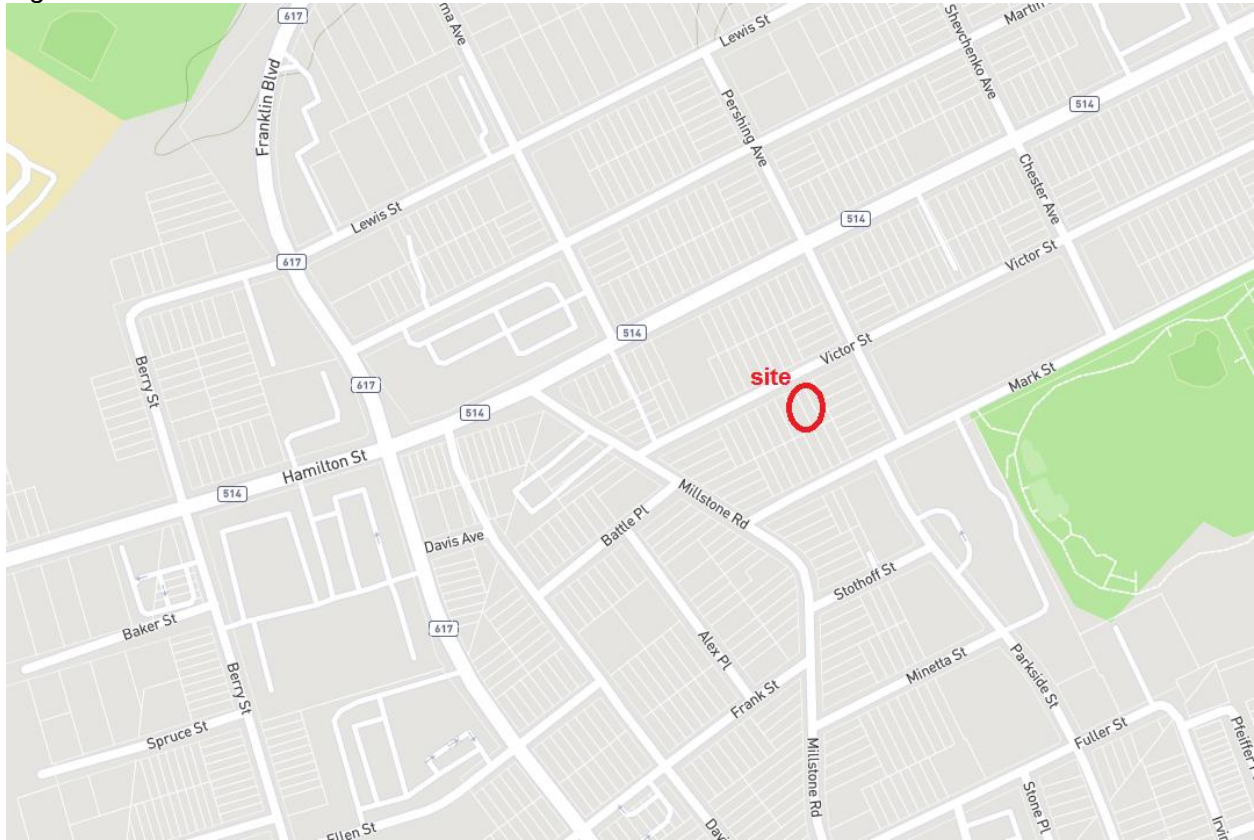


Figure 2: Site

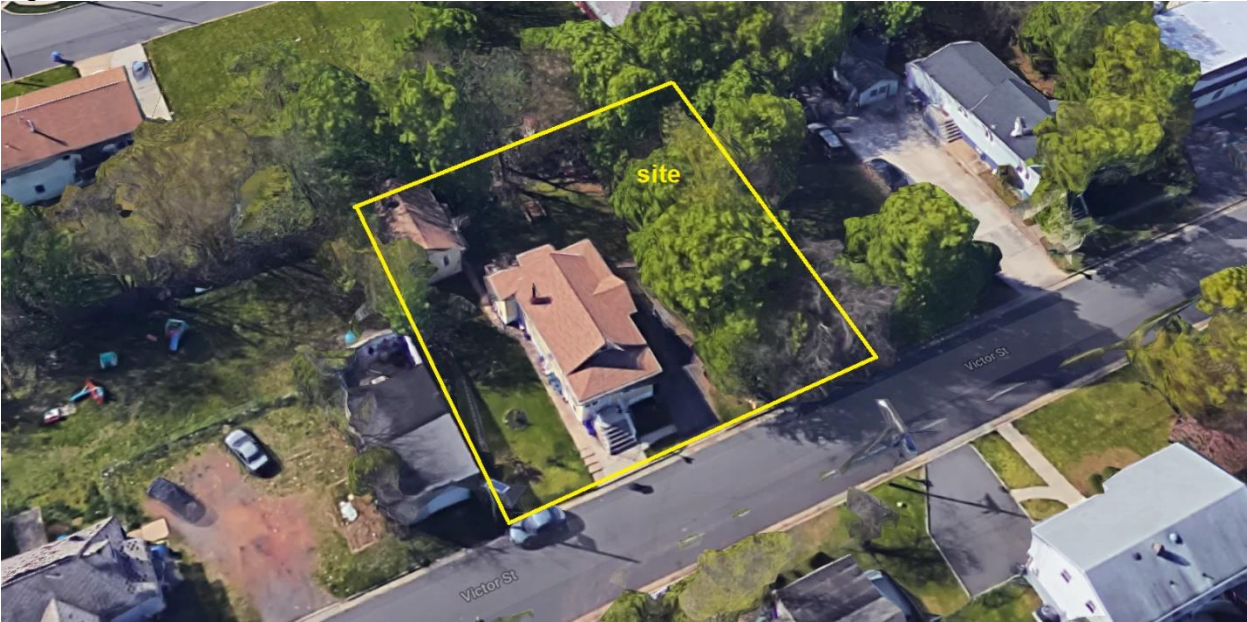


Figure 3: Site Frontage



Figure 4: Site Survey

