

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.

seeking a variance of 7' from rear property setback for allowance of PV solar ground mounted system in rear yard. Currently installed due to inaccurate assessment of property prior to excavation and installation.

Identify the type of variance(s) requested. Check all that apply.

"C" Variance(s)

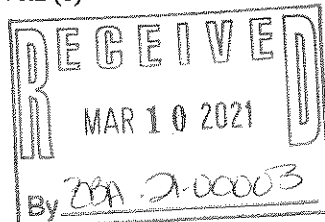
- The strict application of the provisions of the Development Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship - N.J.S.A.. 40:55D-70.C(1)
- The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance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

 **FILE**



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P-03-21-00005

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-	25' rear setback	18' rear setback
§112-		
§112-		
§112-		
§112		
§112		
§112-		

PART B

APPLICANT: Individual Partnership Corporation

APPLICANT: Owner Applicant Other _____

Name Cathy DeWitt

Street Address 91 Walnut Avenue Apt./Ste/Unit # _____

City Somerset State NJ Zip Code 08873

Phone 732-213-3021 Fax _____

Email phinfancj@aol.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 452 Lot/s 59 Zone _____

Street Address 91 Walnut Avenue

City Somerset State NJ Zip Code 08873

Approximate Site Size * .86 Acres/ 37,500 Sq. ft.

Present use of the property, specify: residence - single story

Proposed use of the property, specify: no changes to home - Solar ground mount system

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* _____

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: no recollection

How long has the present owner had title to this property? * 15 years

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: VARIANCE only)

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.

I was under the impression since buying the property my property was at the rear of the line of cedar trees. I notated to the solar contractor this location and where I wanted the solar so it didn't impeded on my backyard and my plans for a new shed. I also wished for greater solar generation and wanted it turned toward the southern exposure more. This factors led to the contractor installing the ground - mounted array as it lies now. The trimming of trees, removal of brush costs me over \$2,000, the solar installation which I have paid in cash, cost me \$52,530 of which I paid in January. The system , per the contractor, is custom built and welded on site and cannot be moved or relocated without several thousand dollars of costs to me , which I cannot pay anymore. This solar system is expected to offset my energy needs at 100% and lessen my home's reliance on electricity, benefiting the neighborhood

_____ 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:

Solar generation system will offset all my electrical needs and provide greater savings to the utility company and provide the value of a green home.

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 solar is impeding on the setback by 6'6" and I'm only seeking a variance to cover this distance. The tree line between my property and rear neighbor is still there and intact. There is still solid vegetation that was not disturbed. The solar array is fully on my property and not impeding neighbors on any side.

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 solar is impeding on the setback by 6'6" and I'm only seeking a variance to cover this distance. The tree line between my property and rear neighbor is still there and intact. There is still solid vegetation that was not disturbed.

PART F

LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:

<u>Quantity:</u>	<u>Description of Item:</u>
25	photos of asbuilt solar array and rear yard
25	survey
25	Solar <i>contract</i>

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 Cathy DeWitt

Street Address 91 Walnut Avenue Apt./Ste/Unit # _____

City Somerset State NJ Zip Code 08873

Phone 732-213-3021 Fax 908-668-9042

Email phinfancj@aol.com

PART H

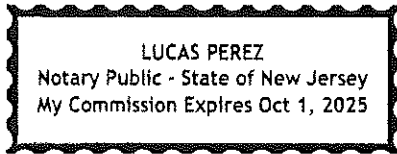
APPLICANT'S CERTIFICATION

I, Cathy DeWitt, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 91 Walnut Ave, Somerset in the County of Somerset and State of N.J, 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, 2021

Cathy DeWitt
APPLICANT'S SIGNATURE

[Signature]
NOTARY PUBLIC



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, Cathy DeWitt, of full age, being duly sworn according to law and upon my oath depose that: I reside at 91 Walnut Ave Somerset in the County of Somerset and State of NJ, 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, 2021

Cathy DeWitt
OWNER'S SIGNATURE

[Signature]
NOTARY PUBLIC

