

Variance Application Form

TOWNSHIP OF FRANKLIN,
SOMERSET COUNTY, NJ



- 1) The applicant may request a pre-application meeting prior to submission. This is provided as a courtesy to potential applicants so they receive input and is in no way to be considered as the start of the submission process. If you decide to schedule a pre-application meeting, please contact the Township Planning Director (contact information: <https://www.franklintwpnj.org/government/departments/planning-zoning>).
- 2) Submission shall be made with the forms supplied by the Township. The information required by the applicable checklist shall be supplied with the submission.
- 3) The applicant shall pay fees in accordance with §112-327 of the Land Development Ordinance and §112-213.B as applicable and shall pay an initial escrow deposit in accordance with §112-213.A of the Land Development Ordinance as applicable. Deposits and fees shall be made by check made out to "Franklin Township". In case of proposals requiring a combination of approvals, such as subdivision and variance(s), the applicant shall pay an amount equal to the sum of the fees required. In the case of a submission requiring application fee(s) and an escrow deposit, one separate check shall be provided for the required escrow deposit and another check shall be provided equal to the sum of the required fees.
- 4) All information contained in the submission checklist is required. Where the applicant believes a submittal item is not applicable or requests a waiver for submittal of an item, a letter providing justification for non-submittal of the item(s) shall be provided.
- 5) The submission will be reviewed by the Director of Planning or his/her designee to determine whether the submission constitutes an Application for Development (i.e., contains all of the information required on the applicable forms and checklists along with applicable fees and/or escrow deposit). During this review the Director of Planning or his/her designee shall determine whether each of the submittal items have been provided and/or whether any of the items are not applicable or whether a waiver may be granted with respect to any submittal items. These determinations by the Director of Planning or his/her designee pertain solely to the determination of whether the submission constitutes an Application for Development and shall in no way prevent the Board from requiring the information during the course of the hearing. If any submittal items are found to be missing, the applicant shall be notified in writing within 45 days of submission.
- 6) Once the application is deemed to constitute an Application for Development (i.e., contains all of the information required on applicable application forms and checklists along with applicable fees and/or escrow deposit), the application will be scheduled for a public hearing. The applicant will be advised in writing of the date scheduled for a public hearing on the application.
- 7) Pursuant to N.J.S.A 40:55D-12 all variance applications require a Public Hearing and must give Public Notice of said hearing in accordance with the requirements of the Municipal Land Use Law and §112-315 of the Franklin Township Land Use Ordinance. Notification must be completed at least 10 days prior to the scheduled hearing. Information and dates will be supplied to the applicant at the appropriate time for advertising and noticing.

A public hearing will be conducted on the scheduled date. The hearing may be continued to another meeting date if necessary.

On the evening of the public hearing meeting, the applicant, owner, contract purchaser or person having a real interest in the property, agent or attorney (corporations must be represented by an attorney), shall appear before the Board to submit or present proof in support of the application.

- 8) As part of the hearing procedure, the applicant must present testimony to the Board why the proposed project cannot comply with all provisions of the Franklin Township Land Use Ordinance. The Board will then make the determination whether to approve, approve with conditions or deny the requested variance(s).
- 9) During the course of the hearing, the Board may require such additional information and/or analyses deemed necessary by the Board to render an informed and reasonable decision.
- 10) The Board shall render a decision on the application within the timeframe mandated by the Municipal Land Use Law unless an extension for such decision has been provided on behalf of the applicant.
- 11) The action taken will be reduced to writing and presented to the Board for adoption in the form of a resolution at a subsequent meeting. The date of adoption of the resolution is the official date of approval of the application.
- 12) Upon adoption of the resolution by the Board, a copy of the resolution will be forwarded to the applicant within 10 days after adoption. The applicant must proceed to comply with all conditions of approval prior to the issuance of a permit.

ATTENTION: Applicants represented by engineers and/or architects (or other such professionals) are expected to use the video display systems available in Council Chambers to project hearing exhibits. Use of the video display system will improve visibility of these exhibits for the Board, the public and the Township's video broadcast of the hearing. In order to use the video display system available in Council Chambers; please bring a computing device capable of utilizing a VGA connection or an HDMI connection. Audio connections are available for both connections. Cables are provided, adapters are not. So please insure you have the required adapters to connect to either VGA or HDMA.

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.

Request for variance of patio, steps,
side walk to the patio, and
drive way.

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)

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-	3.5% Impervious	46.89%
§112-		
§112-		
§112-		
§112		
§112		
§112-		

PART B

APPLICANT: Individual Partnership Corporation

APPLICANT: Owner Applicant Other _____

Name MUHAMMAD H. REHMAN / TEHMINA HABIB

Street Address 54 WINDING WAY Apt./Ste/Unit # _____

City PRINCETON State NJ Zip Code 08540

Phone 734-620-1167 Fax _____

Email Muhammad.Rehman@gmail.com

OWNER (if different from Applicant):

Name SAME

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 11.9 Lot/s 8 Zone R-10A

Street Address 54 WINDING WAY

City PRINCETON State NJ Zip Code 08540

Approximate Site Size * 0.231 Acres/ 10,050 Sq. ft.

Present use of the property, specify: Primary residence

Proposed use of the property, specify: same

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* N/A

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? * Approx. 4 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: _____)

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.

At the end of May 2020, when we were in lock down, few guys approached us in a truck marked 'Kennedy's Paving and Masonry' and spoke to us that they are big suppliers of paving and contractors and doing many other projects in neighborhood. As they will bring all machinery so if more people sign up, it will lower their cost and customers will get good deal too. We checked their web site and verified their license. In nut shell, they ripped off front yard, drive way, side walk and back yard and took \$18,000 to buy materials. Since May 2020 till end of July they kept of giving dates, each time, for next week, after that stopped replying texts and phone calls.

We have reported to somerset county consumer affairs department and prosecutor office, they referred case to mercer county. Mercer county investigator told us that he got complains from 3 different counties about this company. We also have reported to Franklin Township police, report number is 20049295. The only place our kids could have played after lock down was backyard, because of this ordeal, it had become mosquitoes breeding area. Till to-date this issue is with attorney general office of New Jersey state.

As our front yard, side walk and back yard were all ripped off (by ran away contractors) and neighbors started complaining about it, so it took us about more than 12 months to save some money to get only all ripped off

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:

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.

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.

PART II

APPLICANT'S CERTIFICATION

I, MUHAMMAD H. Rehman / TEHMINA HABIB, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 54 WINDING WAY, Princeton in the County of Somerset and State of New Jersey, 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 _____ day of _____, 20_____

NOTARY PUBLIC

Mohammad A Iqbal
Notary Public
New Jersey
My Commission Expires 4-28-2025
No. 50014913

APPLICANT'S SIGNATURE

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, MUHAMMAD H. Rehman / TEHMINA HABIB, of full age, being duly sworn according to law and upon my oath depose that: I reside at 54 WINDING WAY, Princeton in the County of Somerset and State of New Jersey, 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 _____ day of _____, 20_____

NOTARY PUBLIC

Mohammad A Iqbal
Notary Public
New Jersey
My Commission Expires 4-28-2025
No. 50014913

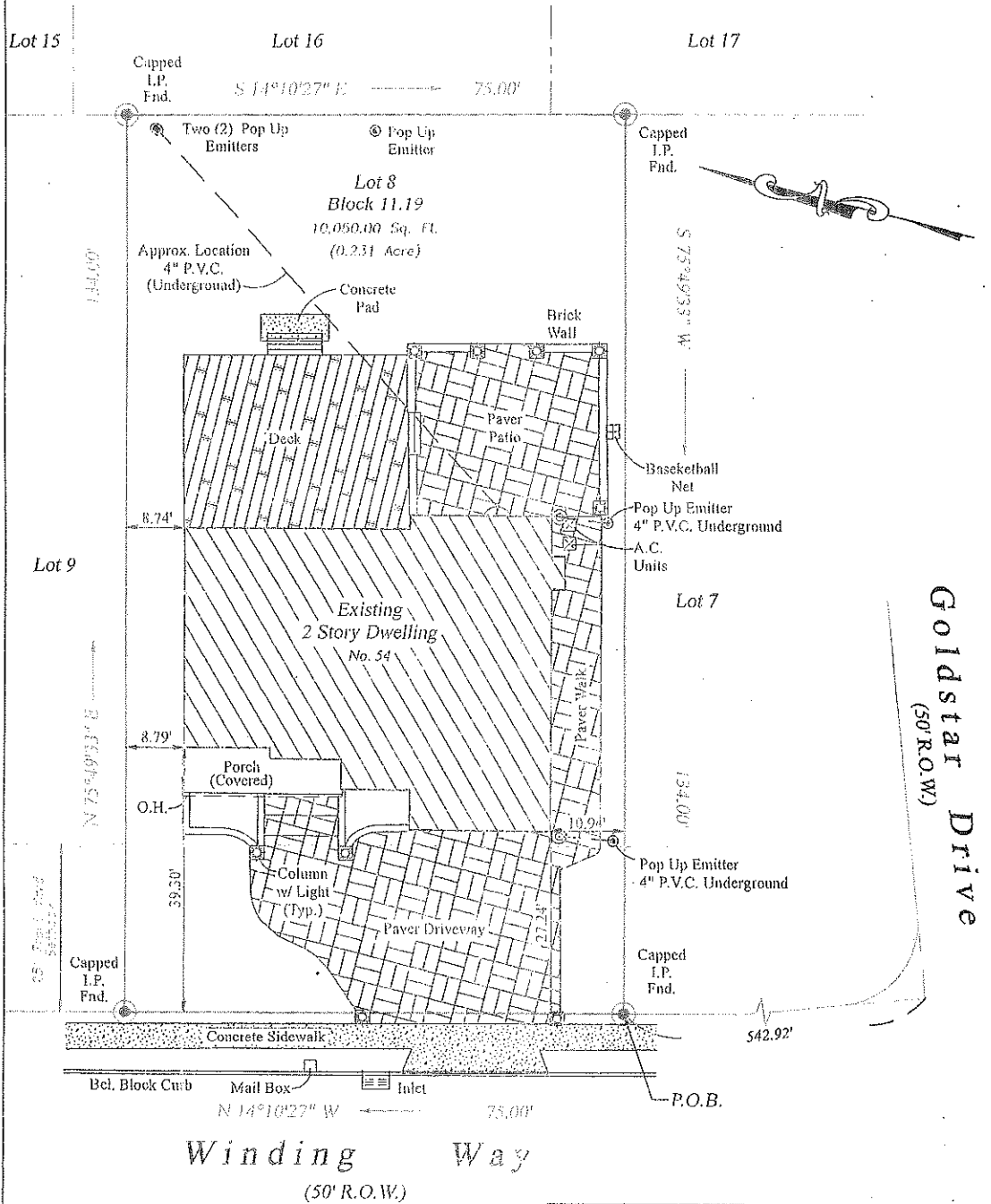
OWNER'S SIGNATURE

References

Deed: Book 7081 Pages 690-695

Tax Map: Also known as Lot 8 in Block 11.19 on the Tax Map of the Township of Franklin.

File Map: Being known as Lot 8 in Block 11.19 on "Princeton Highlands Estates" filed in the Somerset County Clerk's office on May 6, 2002 as Map No. 5145-3168.



Zone R-10A

Maximum Impervious Coverage 35%
 Existing Impervious Coverage:
 5,626.04 Sq. Ft./10,050.00 Sq. Ft. = 55.98%
 (With Deck)
 4,709.89 Sq. Ft./10,050.00 Sq. Ft. = 46.89%
 (without Deck)

Certified To:
 Muhammad Rehman

If this document does not contain a raised impression seal of the professional, it is not an authorized original document and may be altered.

1 Revised to show paver driveway, walk, patio and deck 01-28-2022

FORMOSA ENGINEERING INC.	
168 Route One, North Edison, New Jersey 08817 TEL: (732) 632 8087 FAX: (732) 964 3900 E-mail: awformosacng@aol.com	
DRAWN AMW	PLAN OF SURVEY 54 Winding Way, Princeton Tax Lot 8 in Block 11.19 Township of Franklin SOMERSET COUNTY, NEW JERSEY
APP. A. WU	
SCALE 1"=20'	
DATE 05-26-2021	ANDREW K. WU P.E. AND P.L.S. PROFESSIONAL ENGINEER AND PROFESSIONAL LAND SURVEYOR New Jersey LICENSE NO. GB34581
PROJ. NO. 24821	2/2/2022