

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.

The applicant is requesting an "after the fact" approval for construction of an addition to the home on the property and for other installed improvements (pool, shed) that exceed the allowable building and impervious coverage requirements. Applicant hired a contractor to build an addition to the rear of the home, but the contractor never filed for permits or approvals prior to completion of the construction and for which variances are required.

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)

Identify requested variances from the requirements of the Franklin Township Land Development Ordinance:

<u>Ordinance Section</u>	<u>Requirement</u>	<u>Proposed Deviation</u>
<u>§112- Zoning Sched. 2 &amp; 3</u>	<u>Side Set Back (one)</u>	<u>11.25' (existing) v 15'(required)</u>
<u>§112-</u>	<u>Total Side Set Back</u>	<u>23.02'(existing) v 30'(required)</u>
<u>§112-</u>	<u>Impervious Coverage</u>	<u>36.2%(existing) v 25%(required)</u>
<u>§112-</u>	<u>Building Coverage</u>	<u>20.9%(existing) v 15%(required)</u>
<u>§112</u>		
<u>§112</u>	<u>Shed side yard</u>	<u>1.68'(existing) v 5'(required)</u>
<u>§112-</u>	<u>Shed rear yard</u>	<u>4.39'(existing) v 5'(required)</u>

**PART B**

APPLICANT:  Individual       Partnership       Corporation

APPLICANT:  Owner       Applicant       Other \_\_\_\_\_

Name Nilanjana Das

Street Address 130 Drake Road Apt./Ste/Unit # \_\_\_\_\_

City Somerset State NJ Zip Code 08873

Phone Peter Laub, Esq. 908-725-9130 Fax Peter Laub, Esq. 908-725-9130

Email bobbie@laublaw.com

OWNER (if different from Applicant):

Name: same as above

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 376 Lot/s 21 Zone R-20

Street Address 130 Drake Road

City Somerset State NJ Zip Code \_\_\_\_\_

Approximate Site Size \*0.275 Acres/ 12,000 Sq. ft.

Present use of the property, specify: Residential - single family

Proposed use of the property, specify: Residential - single family

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 \*Rear addition to house

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: Application for construction permits was denied - variances necessary

How long has the present owner had title to this property? \* December 13, 2013

Is the property under contract to be sold?  Yes  No

If yes, state the date of contract and name of the contract purchaser: \_\_\_\_\_

December 2018

**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: C(2) Variances for (1) side set back (2) building coverage (3) impervious coverage)

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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ 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:

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Benefit from granting the variances would substantially outweigh any detriment to the public good or the adjoining property owners. Grant of variance and allowing the addition/improvements to the property will substantially increase and benefit the property values in the neighborhood.

C(2) variances requested – personal hardship, even though self-created. Benefit from granting variances would substantially outreach any detriment to adjoining property owners. Applicant has constructed an addition to rear of house. Variances requested will not interfere with the improvements to the subject property will enhance the value of the properties in the neighborhood. Denial of the variance would result in the forced removal of the property addition, which would result in exceptional/practical difficulties and undue hardship under N.J.S.A. 40:55D-70.(1) (2), which difficulties undue hardship from forced removal would substantially outweigh the benefits from the approval/granting of the variances and deviation from the zoning ordinance requirements. Benefits from the deviation from zoning requirements would substantially outweigh any detriment resulting from the grant of the variance

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.

Grant of variances and permitting the construction of the rear addition will increase property values in the neighborhood and would result in no detriment. The rear addition has existed without complaints from any neighbors.

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 variances requested would result in very minor deviations from the zoning ordinance.

December 2018



PART H

APPLICANT'S CERTIFICATION

I, NILANJANA DAS, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 130 DRAKE ROAD in the County of SOMERSET and State of NJ 08873, 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 29 day of

September, 2022

Teresa Mullally  
NOTARY PUBLIC

TERESA MULLALLY  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 09/2026  
Commission # 69038072

Nilanjana Das  
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, \_\_\_\_\_, of full age, being duly sworn according to law and upon my oath depose that: I reside at \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_, 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\_\_\_\_\_

OWNER'S SIGNATURE

\_\_\_\_\_  
NOTARY PUBLIC