

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 seeking approval for a raised porch, constructed with pavers, as well as a canopy over the porch.

In a March 29, 2022 letter, the applicant was advised by Shaw Keller, Township Engineering Inspector, that a variance is required for impervious coverage.

The proposed canopy is is 11'0" x 21.5'.

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)

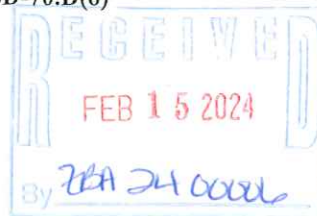
Expansion of a nonconforming use - N.J.S.A.. 40:55D-70.D(2)

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-Attachment 3/Schedule 3	30% maximum impervious cov	
§112-		
§112-		
§112-		
§112		
§112		
§112-		

**PART B**

APPLICANT:         Individual         Partnership         Corporation

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

Name Jean Estephan

Street Address 435 Wheeler Place Apt./Ste/Unit # \_\_\_\_\_

City Somerset State NJ Zip Code 08873

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

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 347 Lot/s 18 Zone R-15

Street Address 435 Wheeler Place

City Somerset State NJ Zip Code 08873

Approximate Site Size \* 0.460 Acres/ 20,033 Sq. ft.

Present use of the property, specify: Single-family dwelling

Proposed use of the property, specify: Single-family dwelling

Public water available: [X] Yes [ ] No If not, proposed? [ ] Yes [ ] No

Public sanitary sewer available: \* [X] Yes [ ] No If not, proposed? [ ] Yes [ ] No

Describe any off tract improvement required or proposed\* None

Deed restrictions, covenants, easements, association by-laws:

[ ] Yes (Provide a copy) [X] No [ ] Proposed (Must be submitted for review)

Does the applicant own any contiguous property?\* [ ] Yes [X] 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 [X] 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? \* Approximately 6 years

Is the property under contract to be sold? [ ] Yes [X] 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.

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\_\_\_\_\_ 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:

The applicant is seeking approval for a minor improvement to the existing developed single-family residential property. The following purposes of the Municipal Land Use Law are advanced: "g" (provides sufficient space in appropriate locations) and "i" (promotion of a desirable visual environment).  
This is a uniquely situated parcel at the terminus of Wheeler Place and adjacent to a wooded area. The proposal will have no impact on the surroundings, and the benefits of the deviation substantially outweigh any detriment.

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:

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C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good.

Uniquely situated property at the terminus of Wheeler Place and adjacent to a wooded area.  
Increase in impervious coverage is minimal.  
The benefits of improving the property outweigh any detriments, which if any are not substantial.

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 existing and proposed usage of the parcel, single-family residential, is a permitted use in the R-15 Zone.  
The applicant's proposal is a customary improvement in a residential district and thus the variance can be granted without substantial detriment to the intent and purpose of the zone plan and zoning ordinance.

**PART F**

**LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:**

<u>Quantity:</u>	<u>Description of Item:</u>
1	Variance Plan by Frank T. Antisell. Accurate Engineering Boundary and Topographic Survey
	Dated 12/16/2023

**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 Edward P. Shamy, Esq.

Street Address 2300 Route 27 Apt./Ste/Unit # \_\_\_\_\_

City North Brunswick State NJ Zip Code 08902

Phone 732-821-0400 Fax 732-821-0600

Email ed@shamylaw.com

PART H

APPLICANT'S CERTIFICATION

I, Jean Estephan, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 435 Wheeler Place, 08873 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 13<sup>th</sup> day of JANUARY, 20 23

  
APPLICANT'S 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, JEAN ESTEPHAN, of full age, being duly sworn according to law and upon my oath depose that: I reside at 435 WHEELER PLACE, SOMERSET, NJ 08873 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 13<sup>th</sup> day of JANUARY, 20 23

  
OWNER'S SIGNATURE

  
NOTARY PUBLIC  
EDWARD P. SHAMY, JR.  
Attorney at Law  
State of New Jersey

expansion of an existing single-family or two-family dwelling, or an accessory structure on the existing residential lot improved with a single-family or two-family dwelling.

- (4) Per Section §112-320.1 this requirement shall not apply to single- or two-family homeowners preparing submittals on their own behalf and shall not include submittal of the W-9 form (which shall be provided in hard copy only).
- (5) Twenty-five (25) sets shall be provided for each of the following.

**LOT DATA TABLE**

Zoning District: R-15

Applicable Special Zoning Requirements (e.g., conditional use standards): \_\_\_\_\_

Category	Required	Existing	Proposed
Lot Area (sf or acres)	15,000	20,033	N.C. ✓
Lot Frontage (ft)	100 FT	86.07	N.C. ✓ *
<b><u>Setbacks for Principal Structure</u></b>			
Front Yard (ft)	30	119	✓
One Side Yard (ft)	10	27.30	✓
Total Side Yard (ft)	30	56.10	✓
Rear Yard (ft)	50.00	17.6	N.C. *
<b><u>Setback for Accessory Structure over 200 sf</u></b>			
Front Yard (ft)			-
Side Yard (ft)	10	2.9	REBUILT ON EXISTING FOUNDATION *
Rear Yard (ft)	25	17.7	" " *
<b><u>Setback for Accessory Structure 200 sf and under</u></b>			
Front Yard (ft)			
Side Yard (ft)			
Rear Yard (ft)			
<b><u>Height, Coverage and Building Requirements</u></b>			
Building Height (Stories)		2 STORY	N.C.
Building Height (ft)		23.6	N.C.
Lot (Building) Coverage (%)			10.94% GRAVEL
Impervious Coverage (%)			15.1% +30.3=45.4%
FAR (floor area ratio)			11.42%
Off-Street Parking (# spaces)			6 2 INDOOR 4 OUTDOOR