

**FRANKLIN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
RESOLUTION NO. ZB 24-12**

WHEREAS, ARCR Properties, LLC has applied to the Zoning Board of Adjustment of the Township of Franklin for a variance to permit construction of a single family dwelling on a lot with less than the frontage required in the zone; and

WHEREAS, the property in question is located on Main Road and known as Lot 55, Block 5702, on the tax map of Franklin Township, said property being in an RA (Residential Agricultural) Zone; and

WHEREAS, the Zoning Board of Adjustment, after carefully considering the evidence presented has made the following factual findings and statements of reason:

1. All notices of the public meeting were properly served in compliance with New Jersey State Statute and the Franklin Township Land Use Ordinance and the application was deemed complete.

2. Scott J. Good, Esquire appeared on behalf of the applicant. The applicant is the owner of a parcel of vacant property consisting of approximately 12 acres and wishes to construct 1 single family home on the lot. The zone requires 150 feet of frontage. The applicant is seeking a variance as the lot presently has frontage of 10 feet.

3. The applicant initially appeared before the Board on August 6, 2024 at which time there was discussion regarding whether or not the 10-foot-wide access would be sufficient for access by emergency vehicles and the possibility that a 50-foot-wide access and utility easement through Lot 54 on Block 5702 would be more appropriate. The applicant chose to table the application and thereafter submitted an amended application seeking access by way of a 12-foot-wide driveway through the 50-foot-wide easement, instead of the 10-foot-wide frontage.

4. At both meetings there was significant opposition from adjoining neighbors and the owner of the lot through which the easement passes, indicating that the proposal would result in a significant disruption of the enjoyment and use of their property and raising questions as to the validity of the easement itself. The position of the applicant was that they are entitled to access to the lot and that the recorded easement is, in fact, valid until such time it may be declared invalid by a Court of Law. Neighbors also opposed the proposal as they wished to have the 12 acres remain vacant and wooded as it supports a significant array of wildlife.

5. The Board considered the review letter of Zoning Board Engineer and

Professional Planner, David S. Scheidegg.

6. The Board determined that the relief requested by the applicant cannot be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Franklin this 3rd day of December, 2024, confirming action heretofore taken, that the application of ARCR Properties, LLC for a variance to permit construction of a single family dwelling on a lot with less than the frontage required in the zone with access to be through an easement through Lot 54, Block 5702 is hereby denied.

**FRANKLIN TOWNSHIP
ZONING BOARD OF ADJUSTMENT**



JOHN GRAVENOR, Chairman

ATTEST:



CHRISTINA MULFORD, Secretary