

**FRANKLIN TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
RESOLUTION NO. ZB24-08**

**WHEREAS**, Christopher and Joyce Kelly have applied to the Zoning Board of Adjustment of the Township of Franklin for a variance to construct an addition to a single family dwelling on a lot without frontage on an improved street, as well as a variance for front yard set-back; and

**WHEREAS**, the property in question is located on Stanton Avenue (Butch's Lane) and known as Lot 121, Block 1101, 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. The applicants currently reside in a single family dwelling on a lot which they own. The lot does not have any frontage on a public roadway. Access is provided by way of Butch's Lane which is a private recorded easement with an adjoining property owner. There is also a detailed recorded maintenance agreement for maintenance and access by way of Butch's Lane. The applicants wish to construct an addition to the home. Since the home does not abut an improved public street the applicants must show practical difficulty or unnecessary hardship and must show that there will be adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety. The applicants also require a variance to allow a front yard set-back of 46 feet where 75 feet is required.

3. Mr. Butch provided public testimony regarding the establishment of Butch's Lane, the recorded easement and the recorded maintenance agreement. Mr. Butch indicated that he had no objection to the request for an addition to the home. However, he had concerns with the condition of the driveway leading up to the applicant's home and the possibility of the home being used for more than a single family dwelling. The Board clarified that maintenance of the access would be addressed by the property owners pursuant to the recorded easement and maintenance agreement. The Board also clarified that the application is for an addition to a single family dwelling, not for a duplex or in-law suite.

4. The Board determined that the applicant had met their burden of proof having proved that there is a practical difficulty and unnecessary hardship as the only access

to the existing single family dwelling is by way of Butch's Lane. Mr. Butch testified that the lane is maintained in a manner that allows access by emergency vehicles.

5. Because of the nature and configuration of the applicant's land, failure to grant the variance will work a peculiar and exceptional practical difficulty on the applicant.

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Township of Franklin this 7<sup>th</sup> day of January, 2025, confirming action heretofore taken, that the application of Christopher and Joyce Kelly for a variance to construct an addition to a single family dwelling on a lot without frontage on an improved street, as well as a variance for front yard set-back is hereby granted, subject to the following conditions:

1. The applicant shall obtain all other necessary governmental approvals from State, County, Federal and Municipal governmental agencies or bodies. If the applicant fails to obtain and execute a zoning permit within six months of this approval, then this approval shall be null and void and no permit shall be issued.

2. The applicant shall satisfy all outstanding fees and escrows prior to the granting of construction permits or issuance of a Certificate of Occupancy.

3. This approval is for construction of an addition to a single family dwelling and is not an approval for a duplex or in-law suite. The Board did not approve the floor plan submitted by the applicant, and is not approving any specific number of bedrooms, bathrooms or kitchens.

4. Adequate access for emergency vehicles shall be maintained.

**FRANKLIN TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

  
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**JOHN GRAVENOR, Chairman**

**ATTEST:**

  
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**CHRISTINA MULFORD, Secretary**