

**FRANKLIN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
RESOLUTION NO. ZB 25-03**

WHEREAS, Anthony M. Dillard, Sr. has applied to the Zoning Board of Adjustment of the Township of Franklin for variance to permit a 16 x 56-foot pool house and 30 x 12-foot deck, as well as variances for less than the lot area required by Ordinance and rear yard and side set-backs; and

WHEREAS, the property in question is located on Stephanie Drive and known as Lot 2.13, Block 901, on the tax map of Franklin Township, said property being in a Residential Agricultural (RA) 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. Tara L. Vargo, Esquire, appeared on behalf of the applicant. The applicant resides on a parcel of property consisting of .92 acres, including a single-family dwelling, a detached garage, an outdoor kitchen, a shipping container, a pool, an 896 square foot pool house and a 360 square foot deck. The pool house and deck were constructed without permits or inspections. The pool house is 33 feet from the rear yard where 50 feet is required, 4.9 feet from the side yard where 20 feet is required. The lot consists of .92 acres and 136 feet of frontage where 1.5 acres and 150 feet of frontage is required.

3. In addition to the bulk variances, the applicant sought an interpretation that a use variance was not necessary for the pool house. It was determined that a use variance is necessary and the applicant proceeded to seek that approval. The applicant testified that the pool house is utilized for the storage of pool chemicals, as well as other pool-related items and a 10 x 15-foot changing area. The pool house does have electric service but no plumbing at this time. The outdoor kitchen has plumbing. The applicant testified that the only residential use on the property is the single-family dwelling.

4. The Board considered the review letter of August 18, 2025 prepared by Zoning Board Engineer and Planner, David S. Scheidegg. No one from the public appeared to comment on the application. The Board determined that the applicant had met his burden of proof regarding the use variance as the structure, even though not permitted, is in the nature of an accessory structure. The structure will not present a detriment to the neighborhood provided the applicant obtains all necessary permits and inspections.

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.

6. The Board has determined that the relief requested by the applicant can 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. The applicant has shown the special reasons necessary to grant the variance.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Franklin this 5th day of November, 2025, confirming action heretofore taken, that the application of Anthony M. Dillard, Sr. for variance to permit a 16 x 56-foot pool house and 30 x 12-foot deck, as well as variances for less than the lot area required by Ordinance and rear yard and side set-backs 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.
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. The applicant shall immediately apply for and obtain construction permits and all necessary inspections for the pool house, deck and any other structure on the property which was constructed without permits and inspections.
4. Neither the garage nor pool house will be occupied as a residence.
5. No business or commercial use shall take place on the property.
6. The shipping container shall be removed from the property on or before April 6, 2026.

**FRANKLIN TOWNSHIP
ZONING BOARD OF ADJUSTMENT**



JOHN GRAVENOR, Chairman

ATTEST:



CHRISTINA MULFORD, Secretary