



DEPARTMENT OF HOUSING,
ECONOMIC DEVELOPMENT
& COMMERCE
Division of Zoning
Nick Taylor, Zoning Officer
1 Jackson Square
Jersey City, New Jersey 07305
Telephone (201) 547-4832

Steven M. Fulop, Mayor
CITY OF JERSEY CITY

**NOTICE OF VIOLATION
ORDER TO REMEDY
PURSUANT TO CHAPTER 345
ZONING CODES**

WORK SITE: 83 Monitor Street	BLOCK: 19003	LOT: 12
OWNER IN FEE: 83 Monitor St. Development JC., LLC		
ADDRESS: 318 Varick Street #1 Jersey City, N.J. 07302		

ACTION

DATE OF NOTICE: 7/5/2022	DATE OF INSPECTION: 7/1/2022
COMPLIANCE DUE DATE: Forthwith	ZONING DISTRICT: Morris Canal Redevelopment

Pursuant to Article I, Section 4, Jersey City Zoning Code, Chapter 345, all uses not expressly permitted in a zoning district are prohibited.

TAKE NOTICE that you have been found to be in violation of The Jersey City Zoning Code, Chapter 345:

Article: V	Section: 66	Paragraph: A-2
For the following reasons: At least 60 percent of the area between the building line and street line on residential lots shall be landscaped.		

As per N.J.S.A., C-40: 55D-70, Paragraph A and C-40: 55D-72 – You may appeal this notice of violation to The Jersey City Board of Adjustment, within twenty (20) days.

If you have any questions concerning this matter, please call: (201) 547-4832.

Signed: _____

Nick Taylor
Zoning Officer

Ins:
Ward:

83 Monitor Street Development JC, LLC (Appeal of Notice of Zoning Violation)

Dear Zoning Board:

Please accept this letter on behalf of the appellant, 83 Monitor Street Development JC, LLC ("Owner"), with respect to a notice of violation pursuant to chapter 345 zoning codes, for the property located at 83 Monitor Street, Jersey City (the "Property"). Specifically, an alleged violation of Jersey City Zoning Code, Chapter 345, Article V, Section 66, Paragraph A-2 (At least 60 percent of the area between the building and the street line on residential lots shall be landscaped).

Owner originally purchased the property in or about October 2016. Owner has made no changes to any of the landscaping at the front of the Property at any time since purchase and had no familiarity with this section of the zoning code. Despite there not being any changes to the landscaping of the Property since the Owner purchased the Property, we were quite surprised to receive this notice of violation nearly six (6) years after purchase, despite this "condition" having remained unchanged and open and obvious for the entire time that Owner has owned the Property.

After receipt of the notice of violation, Owner contacted the Zoning Officer, Nick Taylor, to attempt to obtain an understanding of why this notice of violation was suddenly being issued after nearly six (6) years (in actuality over fifteen (15) years of the same "condition"). It was explained to Owner that the Property received a notice of violation because landscaping had been removed as evidenced by the 2007 Google Street View of the Property. However, this notice of violation and explanation appears to have been issued in error.

Specifically, upon a closer review of the Google Street View photograph from 2007 (the earliest available date), it is clear that no landscaping of any kind existed in front of the Property at any time, including during 2007. Instead, it appears that the zoning officer accidentally referenced the landscaping that appears to have been present in front of 85 Monitor Street (the neighboring property) in 2007 (see photograph from Google Street View 2007 attached as Exhibit "A").

In speaking with the zoning officer, we were further informed of the fact that Jersey City utilizes the 2007 Google Street View photographs as a basis for determining whether a condition shall be considered "grandfathered". Accordingly, the current landscape condition for the Property has remained unchanged since at least 2007 and it is respectfully submitted that the landscape condition should be considered "grandfathered" and the notice of violation withdrawn due to such grandfathering of the landscaping condition.

Very truly yours,



Zachary A. Kozak



Steven M. Fulop, Mayor
CITY OF JERSEY CITY

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COMPLIANCE DUE DATE: Forthwith	ZONING DISTRICT: Morris Canal Redevelopment

Pursuant to Article I, Section 4, Jersey City Zoning Code, Chapter 345, all uses not expressly permitted in a zoning district are prohibited.

TAKE NOTICE that you have been found to be in violation of The Jersey City Zoning Code, Chapter 345:

Article: V	Section: 70	Paragraph: A-1
For the following reasons: Off street parking shall not be located between the building and the street.		

As per N.J.S.A., C-40: 55D-70, Paragraph A and C-40: 55D-72 – You may appeal this notice of violation to The Jersey City Board of Adjustment, within twenty (20) days.

If you have any questions concerning this matter, please call: (201) 547-4832.

Signed: _____

**Nick Taylor
Zoning Officer**

Ins:
Ward:

83 Monitor Street Development JC, LLC (Appeal of Notice of Zoning Violation)

Dear Zoning Board:

Please accept this letter on behalf of the appellant, 83 Monitor Street Development JC, LLC ("Owner"), with respect to a notice of violation pursuant to chapter 345 zoning codes, for the property located at 83 Monitor Street, Jersey City (the "Property"). Specifically, an alleged violation of Jersey City Zoning Code, Chapter 345, Article V, Section 70, Paragraph A-1 (off street parking shall not be located between the building and the street).

Owner originally purchased the property in or about October 2016. Owner has made no changes to any of the parking, driveway, curb cutouts or otherwise of the Property at any time since purchase and had no familiarity with this section of the zoning code. Despite there not being any changes to the parking located on the Property since the Owner purchased the Property, we were quite surprised to receive this notice of violation nearly six (6) years after purchase, despite this "condition" having remained unchanged and open and obvious for the entire time that Owner has owned the Property.

After receipt of the notice of violation, Owner contacted the Zoning Officer, Nick Taylor, to attempt to obtain an understanding of why this notice of violation was suddenly being issued after nearly six (6) years (in actuality even longer since the prior owner already was utilizing the Property in the same manner). It was explained to Owner that the Property received a notice of violation because parking was not evidenced by the 2007 Google Street View of the Property.

However, the Property is one of three (3) identical and attached properties (83, 85 and 87 Monitor Street) and all three properties have maintained the parking in the same condition since at least the time that Owner purchased the Property. Furthermore, we were informed that the parking in front of 87 Monitor Street was considered "grandfathered" based on the Google Street View photograph from 2007.

Owner purchased the Property with the parking already in place and continued to utilize the parking in an open and obvious manner, without ever once having received a notice of violation or being aware that this could possibly be an issue. As you are no doubt aware, Monitor Street has been the subject of significant development since the time that we purchased the Property. At the time of purchase, the Property was surrounded by nothing but vacant and undeveloped lots. Even during the years of construction, when officials from Jersey City were obviously inspecting the area due to all of the construction, we never received any indication that such parking was not permitted, let alone a violation. Furthermore, all of the new buildings that have gone up since the time that we purchased the Property, all have curb cutouts and driveways (thereby reducing parking). We actively utilize the parking, as this was one of the appealing characteristics of the Property, despite the condition of the neighborhood at the time we purchased the Property.

Furthermore, up and down both Monitor Street and Pine Street, there are literally dozens of similarly situated parking spots/driveways. It seems arbitrary and unjust to single out this one Property, after all of these years, while providing similar allowances for new developments and other homes on the same street. To do so would actively damage our property value and serve to penalize law abiding and contributing citizens of Jersey City.

Accordingly, we respectfully request that the Notice of Violation be overturned and that the current parking condition be considered "grandfathered" in the same manner as 87 Monitor Street, the numerous other homes on the same street and the brand-new developments include new driveways at the expense of street parking.

Very truly yours,



Zachary A. Kozak