

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY**

APPLICANT: **BERNADETTE PINO**

FOR: **SITE PLAN AMENDMENT FOR APPROVED "D" VARIANCE**
 79 GILES AVE
 JERSEY CITY, NEW JERSEY
 BLOCK 10303, LOT 35

CASE NO. **Z20-062**

WHEREAS, BERNADETTE PINO, (the "Applicant"), made application to the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for site plan amendment with variance approval pursuant to N.J.S.A. 40:55D-70(d)(2) (expansion of a preexisting, non-conforming use) Calendar No. Z20-062, to rehabilitate and expand upon an existing two (2) story, three (3) dwelling unit structure and to continue to utilize the structure as a multi-family building with regard to the property located at 79 Giles Ave which is also designated as Block 10303, Lot 35 on the Official Tax Map of the City of Jersey City; and

WHEREAS, due notice of a hearing before the Zoning Board of Adjustment of the City of Jersey City, on October 22, 2020 at 6:30 P.M. was duly published as prescribed in The Jersey Journal Legal Notice Publication; and

WHEREAS, the Applicant has submitted proof that it has complied with the applicable procedural requirements including the payment of fees and public notices; and

WHEREAS, all testimony having been formally heard for this application; and

WHEREAS, after consideration of the application and the testimony presented at the meeting, and the oral and written comments and recommendations of the Division of Planning professional staff, the Zoning Board of Adjustment has made the following findings of fact:

FINDINGS OF FACT

1. All the Recitals hereinabove set forth are incorporated herein by reference and all the exhibits, drawings and documents, including the site plans prepared by Mel Sarkor Clinton Architect (RA) dated September 10, 2020, the Applicant's General Development Application and supporting documents (collectively, the "Applicant's Supporting Documents"), and City planner's testimony and reports, if any, are hereby incorporated by reference.
2. 79 Giles Ave which is also designated as Block 10303, Lot 35 (the "Property") is located within the R-1 One and Two Family Housing Zoning District ("R-1 Zone") and is governed by the zoning regulations within the Jersey City Land Development Ordinance ("JC LDO").
3. The Property is an undersized, rectangular shaped parcel of approximately 2,000 sq. ft. (20.0' x 100.0') and currently contains a two (2) story residential building containing three (3) dwelling units.
4. The Applicant filed an application with the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for site plan amendment variance approval pursuant to N.J.S.A. 40:55D-70(d)(2) (expansion of a preexisting, non-conforming use) to wit, Calendar No. 220-062, to rehabilitate and expand the existing structure while continuing its use as a three (3) family building (the "Project").
5. The Applicant requested the following variances, exceptions and/or waivers from the Jersey City Land Development Ordinance:
 - a. A variance pursuant to N.J.S.A. 40:55D-70(d)(2) for an expansion of the pre-existing non-conforming multi-family use;
 - b. Any additional approvals, permits, variances, interpretations, waivers or exceptions reflected in the plans and materials filed (as same may be amended or revised from time to time without further notice) or determined to be necessary during the review and processing of this application.

6. In support of the requested approvals, the Applicant provided testimony from one (1) witnesses: Mel Sarkor Clinton, RA (Gesture Ink Architecture) whom was accepted as an expert in their respective field. The Planning Board accepts and agrees with the testimony and conclusions of the respective experts.

7. Mel Sarkor Clinton, RA presented testimony regarding the interior improvements to the preexisting structure as well as the proposed reorientation of windows and door and reduction of approved expansion including: the revised floor plans; the rear yard extension and the compliance with current R-1 zone bulk requirements.

8. The Applicant has requested a reduction in approved expansion of the preexisting, non-conforming use; to expand upon a multi-family building. The existing use on the Property is protected as a pre-existing non-conforming use.

9. While the proposed structure will increase in size, it will not encroach further into any of the side yards and will not significantly increase the existing building coverage. The rear yard of the building will decrease slightly.

10. The proposed rear addition will comply with current R-1 zone minimum setback requirements as well as maximum lot and building coverage. The proposed addition does not create a hardship as there are multiple rear yard accessory structures within the tax block. Further, the buildings proposed rear yard setback do not impede on the open air of existing lots. The building's bulk will in no other way be affected.

11. The proposed renovations will create a favorable unit layout through the use of two-bedroom apartments. The unit type and bedroom count are compatible with the need for varied housing stock within the neighborhood. Further, it permits the multi-family use which "accommodate(s) existing housing" and "preserve(s) the street scape while "utilizing on street

parking where the frontages are narrow” and “maintains the low-rise character of the area.”

12. Based upon review of the development plans, the testimony before the Board, the exhibits presented, the Division of Planning Planner’s report, and the reasons set forth on the record, the proposed development of the Property is an appropriate development of the Property that will benefit the immediate neighborhood, promote the general welfare and promote a desirable visual environment. The proposed use is an appropriate use of the land and an appropriate build out of the land. The proposed Project will not affect any permitted uses in the neighborhood, nor cause any substantial detriments.

13. The proposed variance(s) will not cause any substantial detriments to the public good, nor impairment to the intent and purpose of the Jersey City Zone Plan and Zoning Ordinance, and can be granted accordingly.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, approves the within application for variance approval pursuant to N.J.S.A. 40:55D-70(d)(2) (expansion of a preexisting, non-conforming use), to wit, Calendar No. Z20-062, to rehabilitate and expand upon an existing two (2) story, three (3) dwelling unit structure and to continue to utilize the structure as a multi-family building with regard to the property located at 79 Giles Ave which is also designated as Block 10303, Lot 35 on the Official Tax Map of the City of Jersey City, subject to the following conditions:

- 1. Architect of record shall submit a signed and sealed affidavit confirming that the final building was constructed as approved, prior to issuance of the Certificate of Occupancy.**
- 2. All materials and color selections shall be shown on Final Plans. No change to the facade and site design, including materials as well as any changes that may be required by the Office of Construction Code, shall be permitted without consultation with and approval by planning staff.**
- 3. All testimony given by the applicant and their expert witness in accordance with this application shall be binding.**

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VOTE: 7-0

COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Joshua Jacobs, Chairman	X			
Kate Donnelly, Vice Chair	X			
Richard McCormack, Commissioner	X			
Ahmed Shedeed, Commissioner	X			
Lucas Netchert, Commissioner	X			
Chester M. Rothman, Commissioner	X			
Lenora Brown, Commissioner	X			


Josh Jacobs (Dec 01, 2020 15:37 EST)

JOSHUA JACOBS, ACTING CHAIRMAN
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY


Lindsey Sigmund (Dec 10, 2020 09:49 EST)

LINDSEY SIGMUND, SECRETARY
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY

APPROVED AS TO LEGAL FORM:


Vincent LaPaglia (Dec 10, 2020 10:43 EST)

VINCENT LaPAGLIA, ESQUIRE
ATTORNEY FOR THE BOARD

DATE OF HEARING:
DATE OF MEMORIALIZATION:

October 22, 2020
November 12, 2020

Dec 3, 2020 