

Statement of Principal Points
99 Columbia Avenue (Block 2004, Lot 19)
Jersey City, Hudson County, New Jersey

An application has been filed for the above-noted property with the Jersey City Zoning Board of Adjustment for approval of a variance for expansion of a non-conforming use pursuant N.J.S.A. 40:55D-70.d(2); and approval of bulk “c” variances for minimum side yard, minimum floor-to-ceiling height, maximum driveway and curb cut width, and encroachment into the front yard.

The project site at 99 Columbia Avenue is identified as Lot 19 on Block 2004 and is located at the northwest corner of Columbia Avenue and Thorne Street. The project site is a standard lot size for the zone of 2,500 square feet. Currently, the property contains an existing non-conforming 3-story, 3-unit residential building with 3 off-street parking spaces. The project site is located in the One- and Two-Family Housing (R-1) District.

The purpose of this application is to construct a 3-story addition on the project site, increasing the square footage of the existing units but maintaining the same number of units at three. The proposed basement level will consist of an approximately 750 square-foot, 1-bedroom unit as well as an approximately 30 square-foot mechanical room. The proposed first floor will contain an approximately 1,040 square-foot, 2-bedroom, 2-bathroom unit with a balcony at the rear of the building. The proposed second floor will contain an approximately 1,080-square-foot, 2-bedroom, 2-bathroom apartment with access to the attic level and new 596-square-foot roof deck. The project proposes a new landscaped planting bed in the front yard of the building, along the side of the building and around the parking areas.

The Applicant requests a d(2) variance for the expansion of a non-conforming use, where the project seeks to construct an addition to the existing 3-family, in the R-1 One- and Two-family District. Per *Fin. Serv. V. Little Ferry Zon. Bd. Of Adj.*, 326 N.J. Super. 265, 275-276 (App. Div. 1994), an applicant for a d(2) variance permitting expansion of a lawfully created preexisting non-conforming use need not show that it would have been entitled to a variance for the initial nonconformity, it must satisfy the same positive and negative criteria test as other d variance applications. Under relevant case law, *Burbridge v. Mine Hill Tp.* (1990), in certain circumstances, aesthetic improvements alone can be a sufficient special reason to justify a d(2) variance.

The project as designed will provide aesthetic benefits to the property including significant new landscaping, including removal of the former front yard parking area and paved areas along Thorne Street in the side yard to be replaced with new landscaping. The introduction of the new landscaping will reduce the existing non-conforming lot coverage on the site from 100% to a conforming 84.6%. New windows and siding are also proposed for all facades, two new street trees are proposed along Thorne Street and new landscaping will be added to existing raised areas which are in the public right of way.

Furthermore, existing density is consistent with the character of the Block and neighborhood. The project site is among several similar properties in the area that have buildings with 3 or more units and is directly across the street from 102-110 Columbia which has a 38-unit 5-story building. Additional non-conforming buildings in the vicinity include but not limited to: 180 Thorne Street – 5 units, 3 stories; 79 Columbia Avenue – 3 units, 3 story; 418 Liberty Avenue – 4 units, 2 stories; 420 Liberty Avenue – 4 units, 2 stories; and 422 Liberty Avenue – 4 unit, 2 stories.

The requested bulk “c” variances can be granted pursuant to N.J.S.A. 40:55D-70.c.(2), *wherein the benefits of the proposed project would substantially outweigh any detriments.*

Minimum Side Yard

The project site is on a corner lot and only shares a side yard with one adjacent property. The existing building footprint is non-conforming to the side yard setback requirement with a 2-inch side yard with the adjacent property on Lot 18. The proposed project will extend the building along this setback line, increasing the non-conformity. There is an existing separation between the two buildings of approximately 3 feet..

Minimum Floor-to-Ceiling Height

A floor-to-ceiling height variance is required, as the proposed additions will match the existing non-conforming floor heights of 8 feet.

Maximum Curb Cut and Driveway Width

The existing curb cut and driveway are 32 feet-4 inches wide where 10 feet is allowed. The existing curb cut and driveway are existing non-conforming conditions and the proposed improvements do not seek to make any changes. In addition, the project proposes three off-street parking spaces, providing parking at a 1:1 ratio and therefore not contributing to the loss of street parking for the neighborhood.

Maximum Front Yard Encroachment

Section 196-60.D permits a maximum 4 foot encroachment of uncovered stairs into the required front yard. The proposed project would maintain the existing non-conforming stairs from the first floor to grade. These stairs are similar to the stairs of the adjacent property to the north (101 Columbia).

Conclusion

Overall, the benefits of the project outweigh the detriments, where the benefits include improvements to an existing 3-family dwelling, curb and landscaping, and the overall reduction of the non-conforming impervious coverage of the site.

Granting the requested variances will advance the purposes of the Municipal Land Use Law and promote the general welfare. Granting the variances will guide the appropriate use of the property in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2.a; provide adequate light, air, and open space to the adjacent properties consistent with N.J.S.A. 40:55D-2.c; promote the establishment of a population density in character with the surrounding area that will contribute to the well-being of persons, neighborhoods, communities pursuant to N.J.S.A. 40:55D-2.e; and promote a desirable visual environment through creative development techniques and good civic design pursuant to N.J.S.A 40:55D-2.i.

Granting the requested variances will not result in a substantial detriment to the public good or the general welfare. The proposed project involves the construction of a new 3-story addition to an existing 3-family residence consistent in terms of scale and use with surrounding properties. The project will provide new front yard landscaping and reduce overall impervious coverage on the site, contributing to a positive pedestrian environment.

Granting the requested variances will not result in a substantial detriment to the zone plan or zoning ordinance. The project proposes an improvement to existing non-conforming 3 -family residential building. The proposed density is of similar intensity existing on the Block and the surrounding streets. The proposed bulk variances including are consistent with the properties along Columbia Avenue and will therefore not have any adverse impacts on the zone plan, zoning ordinance, and on the surrounding area.

The requested variances can be granted in that both the positive and negative criteria have been met pursuant to N.J.S.A. 40:55D-70.d. and 40:55D-70.c.

The Applicant reserves the right to supplement the foregoing reasons with expert testimony at the Zoning Board of Adjustment hearing.