

Statement of Principal Points
122 Roosevelt Avenue (Block 18102, Lot 32)
Jersey City, Hudson County, New Jersey
May 13, 2021

An application has been filed for the above-noted site with the Jersey City Zoning Board of Adjustment for Preliminary and Final Site Plan Approval; approval of a use variance pursuant to N.J.S.A. 40:55D-70.d.(1); and approval of bulk “c” variances for the minimum lot size, lot width and lot depth, and the maximum building height in feet and stories pursuant to N.J.S.A. 40:55D-70.c subsumed within the use variance.

The project site at 122 Roosevelt Avenue is identified as Lot 32 on Block 18102 and is located on the northeast side of Roosevelt Avenue, mid-block between Mallory Avenue to the east and Marcy Avenue to the west. The site has approximately 25 feet of frontage along Roosevelt Avenue, a lot depth of approximately 75 feet, and a total lot area of 1,875 square feet (0.04 acres). The project site is currently occupied by a 2-story, single family home with a 1-story garage in the rear. The project site is in the C/A Commercial Automotive District.

The purpose of this application is to develop the project site with a 3-story, 2-family dwelling. The first floor will consist of a 2-car garage and a recreational room for Unit 1. Unit 1 will occupy the second floor with 3-bedrooms and a dining/living area. Access to Unit 1 will be via the main stairs, as well as from the garage and a separate entrance off the east side of the dwelling. The third floor will be occupied by Unit 2, with three bedrooms and a living/dining area. Access to Unit 2 will be via the main stairs at the front of the dwelling. A roof deck will provide outdoor amenity space for Unit 2. The rear yard will provide outdoor amenity space for Unit 1. The project will provide one (1) new street tree and an existing curb cut will be slightly shifted.

The Zoning Board of Adjustment has the jurisdiction to grant d(1) use variances pursuant to the Municipal Land Use Law N.J.S.A. 40:55D-70.d.(1) *in particular cases and for special reasons*. Under relevant case law (Medici v. BPR Co. 107 NJ 1 (1987)), the standard for granting variances with respect to the positive criteria is that the proposed use will promote the general welfare, the property is “particularly suited” to accommodate the proposed use, and the proposed use can be reconciled with the Zoning Ordinance. Under relevant case law (Price v. Himeji, LLC, 214 N.J. 263, 296-297 (2013)), *when a zoning board considers application for d(1) use variances, associated height variances are tested against a more relaxed standard that requires applicants to demonstrate that the site will accommodate problems associated with a proposed use with greater height than permitted*. The bulk “c” variances for minimum lot area, minimum lot width and minimum lot depth are subsumed within the use variance.

Positive Criteria: In terms of the use variance, the proposed property is particularly suitable for the proposed 2-family use due to its size and the neighboring residential uses. Block 18102 is an anomaly along the Communipaw Avenue corridor, with the whole block zoned in the C/A District. To the east of Mallory Avenue properties on the north side of Roosevelt Avenue are in the R-1 District.

The project site, 122 Roosevelt Avenue, is one of five undersized (25-by-75 foot, 1,875 square feet) residential properties which have street addresses on the north side of Roosevelt Avenue on Block 18102. Each lot on its own is too small to be developed under the C/A Automotive District, which has a minimum lot size for development of 10,000 square feet (100 by 100 foot). In order to reach this minimum development threshold, significant property acquisition would have to be undertaken, or the project site would have to be absorbed by one of the larger existing properties along Communipaw Avenue. Furthermore, the location of the project site, between two other existing residential properties and the existing non-conforming condition of the site as a single-family home, makes this a suitable site for a residential use.

The project proposes a building height of 32 feet where 30 feet is the maximum permitted in the C/A District. The additional two feet of building height will not be a substantial detriment, as the project proposes conforming yard setbacks. Furthermore, the proposed height is consistent with many of the three-story residential structures on the south side of Roosevelt Avenue.

Alternatively, the R-1 District standards, which govern development on the south side of Roosevelt Avenue, would be more appropriate to the project site. While the site would still be undersized, with a lot depth of 75 feet where 100 feet is required; within the R-1 District existing lots are considered conforming and there are many properties throughout the city with 2-family homes on similar sized lots. Assessing the proposed project under the R-1 District standards, the project would only require a setback variance for the combined front and rear yards, where 35 feet is required, and 20 feet is provided. See zoning table below for full R-1 zoning comparison.

R-1 District Requirements	Required	Proposed	Variance
Principal Use	1- or 2-Family	2 Family	No
Minimum Lot Area	2,500 SF; existing lots conforming	1,875	No, existing non-conforming
Min. Lot Width	25 FT	25 FT	No
Min. Lot Depth	100 FT	75 FT	No, existing non-conforming
Min. Front Yard Setback	Predominant	0 FT	No, matches predominant
Min. Rear Yard Setback	20 FT	20 FT	No
Combined Front and Rear Yard Setback	35 FT	20 FT	Yes
Side Yard Setback	2 FT/3.1 FT	2 FT/3.1 FT	No
Combined Side Yard Setback	5 FT	5.1 FT	No
Max. Building Height	3 stories/ 33 FT	3 stories/ 32 FT	No
Min. Floor to Ceiling Height	9 FT	9 FT	No
Max. Building Coverage	60%	58.4%	No
Max. Lot Coverage	85%	72.1%	No
Parking (Automobile)	None required	2 spaces, garage	No
Min. Garage Dimensions	13 FT by 44 Ft	13 FT by 44 FT	No
Max. Curb Cut Width	10 FT	10 FT	No
Max. Garage Door Width	10 FT	10 FT	No
Min. Front Yard Landscaping	30%	N/A, no front yard	No

Overall, the benefits of the proposed project outweigh the detriments, with the benefits including reduction in lot coverage from the existing 86.7% to 72.1%, increase the side yard setback along the western lot line from 0-feet to 2-feet, new sidewalks and a street tree.

Purposes of the MLUL: Granting the requested variances will advance the purposes of the Municipal Land Use Law and promote the general welfare. Approval of the project would result in the appropriate use and development of the site, in a manner which will promote the public health, safety, morals and general welfare consistent with N.J.S.A. 40:55D-2.a, by redeveloping the residential lot with a new 2-family dwelling which meets current building code and will decrease lot coverage and increase side yard setbacks. The project will provide adequate light, air and open space consistent with N.J.S.A. 40:55D-2.c. by providing a 20 foot rear yard setback and eliminating the existing garage in the rear yard, and providing an increased side yard setback along the western lot line. The proposed project will promote a desirable environment through creative development techniques consistent with N.J.S.A. 40:55D-2.i. by constructing a new attractive building on the property and providing a new street tree on Roosevelt Avenue.

Negative Criteria: Granting the requested variances will not result in a substantial detriment to the general welfare. The project proposes a 2-family dwelling on a lot which currently has an existing non-conforming single-family home. The proposed project would decrease the lot coverage on the site from 86.7% to 72.1% and increase the side yard along the western property line. The existing curb cut will be relocated slightly to the west and one (1) new street tree will be planted along Roosevelt Avenue. The proposed building meets all current building codes. The proposed setbacks will provide adequate light and air to adjacent structures.

Granting the variances will likewise not result in a substantial impairment to the intent and purpose of the zone plan and zoning ordinance. This Block is an anomaly, with the C/A District covering the whole block and not just the properties fronting on Communipaw Avenue as it does to the east of Mallory Avenue. The project site is one of five existing non-conforming residential properties on the block frontage. The project is consistent with the adjacent residential land uses and the residential land uses and R-1 Zoning on the south side of Roosevelt Avenue.

The requested variances necessary for the proposed project 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 N.J.S.A. 40:55D-70.c.

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