

John McDonough Associates, LLC

Land Use Planning · Landscape Architecture

STATEMENT OF APPLICATION

Prepared by John McDonough, LA, PP, AICP

Applicant: Ramautar Gangadin
167 North Street
Jersey City, NJ 07307

Owner: Ramautar Gangadin
167 North Street
Jersey City, NJ 07307

Property: 167 North Street
Block 1401 Lot 2
City of Jersey City
Hudson County, NJ

Zone: R-1 (One and Two Family Housing District)

Existing Conditions

The subject site consists of a single tax lot (Block 1402 Lot 2) with a street address of 167 North Street. The lot has a rectangular shape and measures approximately 25 feet wide by approximately 124 feet deep, with a lot area of approximately 3,102 square feet.

The site is developed with a three-story, one-family dwelling. There is a front stoop and landscaping in the front yard, and two sheds and a covered patio in the backyard. Based on review of historic aerial photographs, the dwelling has been in place for many years, although it is unclear when the backyard structures were installed. Current aerial photographs are attached.

Proposed Conditions

The applicant, Ramautar Gangadin, is seeking to legalize the existing structures by way of variance relief. No construction is proposed per se. The structures in question include a one-story, 160 square foot shed and a 140 square foot patio cover along the rear property line, and a one-story 185 square foot sheet.

All the above are used for storage of typical household items such as yard furniture and basic homeowner maintenance equipment and materials like ladders, tools, de-icing salt, and the like, and seasonal items like flowerpots and summertime gardening supplies. Most of the backyard is paved with decorative pavers.

Zoning Considerations

The site is in the R-1 Zone (One and Two Family Housing District) where accessory structures are permitted. Pursuant to § 345-60.L., accessory structures are required to be set back a minimum distance of 33.6 feet from the rear lot line. The application seeks relief to keep one shed and the patio cover set back 0 feet from the rear lot line, and to keep one shed set back 28.8 feet from the rear lot line.

Planning Justifications for Relief

Setback relief for the three accessory structures is justified under the “flexible c” balancing test at N.J.S.A. 40:55-70.c(2) whereby the application represents a better zoning alternative for the site and whereby, on balancing, the benefits of the application as a whole substantially outweigh the detriments (Pullen v Tp of South Plainfield, 291 NJ Super 1 (App Div 1996)).

In terms of the statutory positive criteria, the current condition of the property represents a better zoning alternative than a storage addition off the back of the house, which could conform to the 33.6-foot requirement and yet be much more imposing than the modest storage structures currently onsite. The storage units provide a better alternative for weather-protection and screening of yard equipment that could otherwise be stored outside. In this regard the current site configuration promotes the general welfare with positive aesthetics, efficient land use, and variety of land uses in appropriate locations. The application therefore advances fundamental purposes of zoning at N.J.S.A. 40:55D-2, especially purposes a, g, i, and m.

In terms of the statutory negative criteria, the relief can be granted without creating any substantially adverse effects on the public or without causing any substantial impairment to the zone plan. All three structures are relatively small in footprint and are well below the height threshold of 15 feet. All three structures are generally used for passive purposes (storage), not for high activity use. One of the structures is only partially within the required rear yard. And surrounding properties include a nonresidential use immediately adjacent to the subject site, which is a multistory commercial that includes an automobile service garage. The adjacent use has an influence on this site which is atypical of other lots in the zone. Relief therefore relates to a specific property, not the whole zone.

Site Photographs

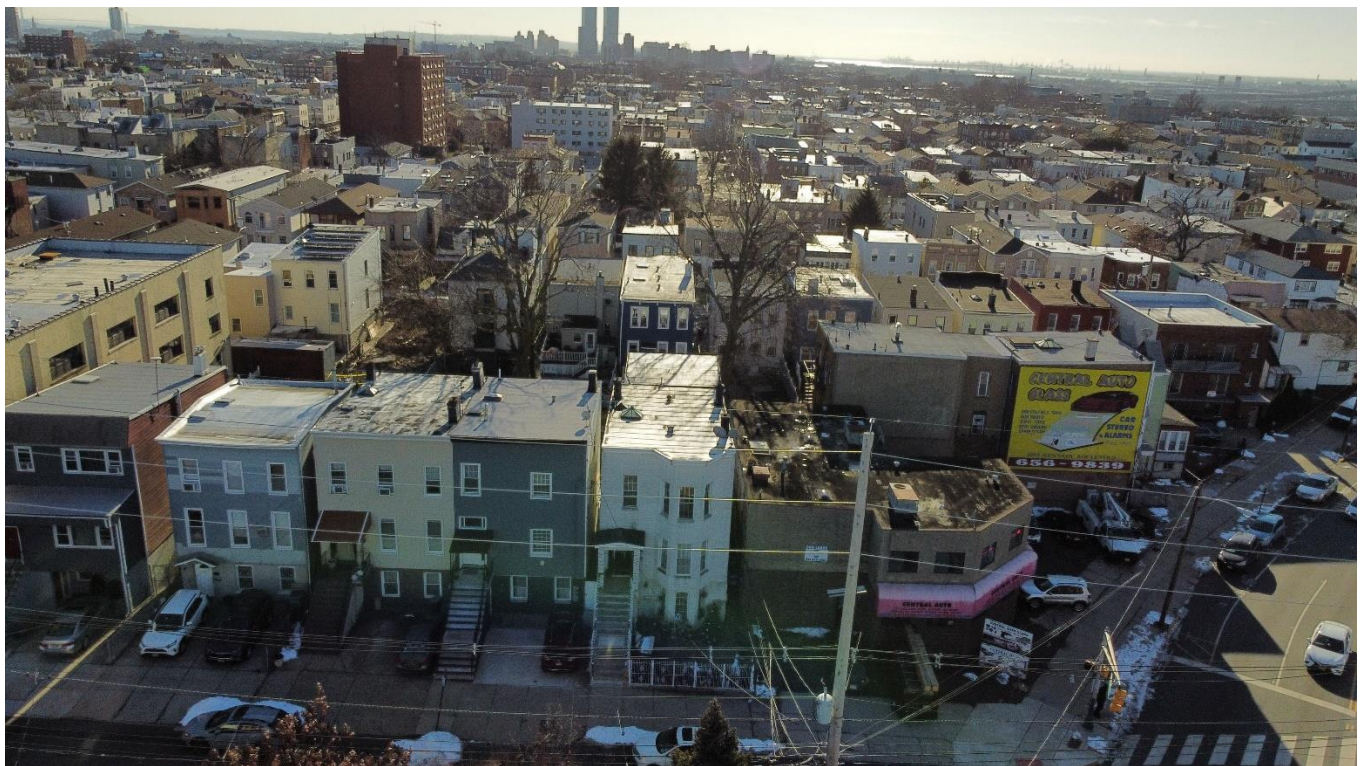


Figure 1 ~ Aerial drone view of subject site (white building centered) – backyard structures are not visible from the street (taken by John McDonough Associates on January 11, 2022)



Figure 2 ~ Aerial drone view of subject site (centered) – looking at backyard structures from directly overhead (taken by John McDonough Associates on January 11, 2022)



Figure 3 ~ Aerial drone view of subject site (centered) – looking at backyard structures from directly overhead (taken by John McDonough Associates on January 11, 2022)



Figure 4 ~ Aerial drone view of subject site (centered) – looking at backyard structures on subject site and similar backyard structures on neighboring site which are also in the required setback (taken by John McDonough Associates on January 11, 2022)

