

Statement of Principal Points
740 Ocean Avenue (Block 21401, Lot 52)
Jersey City, Hudson County, New Jersey

July 6, 2021

An application has been filed for the above-noted project site with the Jersey City Zoning Board of Adjustment for Preliminary and Final Site Plan approval; and approval of a variance for the expansion of a non-conforming use pursuant to N.J.S.A. 40:55D-70.d.(2), a density variance pursuant to N.J.S.A. 40:55D-70.d.(5) and bulk "c" variances including maximum building height, minimum side yard setback, maximum lot coverage, minimum front yard landscaping and minimum drive aisle width pursuant to N.J.S.A. 40:55D-70.c.(2).

The project site identified as Lot 52 on Block 21401 is located at 740 Ocean Avenue, near the intersection with Virginia Avenue. The project site is in the R-1 One- and Two-Family Housing District ("R-1 District"). The oversized lot has a width of 34 feet along Ocean Avenue and a depth of approximately 115 feet, for a total area of 3,910 square feet (0.09 acre). Ocean Avenue is not typical of the R-1 District, the surrounding area is improved with a mixture of one- and two-family dwellings, multi-family uses, commercial and retail uses, religious uses and municipal uses.

The purpose of the application is to renovate and expand the existing 4-unit dwelling on the property to accommodate 7 dwelling units. The existing structure on the site will remain with some interior reconfiguration of the first two floors, and a new third story. A two-story structure in the rear yard will also be demolished. The project will consist of one studio unit, four 1-bedroom units, one 2-bedroom unit and one 3-bedroom unit. Unit 1A will be reconfigured into a 1-bedroom ADA accessible unit with ramp access from the front of the building. Unit 1B located at the rear of the building will also be reconfigured into a 1-bedroom unit. New utility and common bicycle storage rooms will be created with access from the northern side yard. On the second floor, Unit 2A will be reconfigured to a 2-bedroom unit, and Unit 2B will remain a 3-bedroom unit. On the new third floor, Units 3A and 3C will be 1-bedroom units and Unit 3B will be a studio. Three parking spaces and landscaping will be added to the rear yard. A new street tree is proposed along Ocean Avenue.

The Applicant requests a d(2) variance for the expansion of a non-conforming use, where the project seeks to expand the existing multi-family dwelling on the site from 4 units to 7 units, in the R-1 = 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.

Positive Criteria:

A “d(2)” expansion of non-conforming use variance is required for the project, as the R-1 District does not permit multi-family dwellings, and the proposed project would expand the existing multi-family structure on the project site.

The project site can accommodate the associated impacts with the additional units. The project reduces or eliminates several non-conforming conditions of the project site, including [1] eliminating the non-conforming accessory structure in the rear yard which has a height of 22 feet where 15 feet is the maximum, a rear yard setback of 0 feet where 7.5 feet is required and a side yard setback of 0 feet where 2 feet is required; [2] eliminates the non-conforming building coverage; reduces the lot coverage from 100% to 94.5%. The project will also visually improve the site with a new brick façade along Ocean Avenue, new siding along the other building facades, new street tree and some container landscaping in the front yard area.

Furthermore, the project site is appropriate for a multi-family use. The project is proposed for an oversized lot; 3,910 square feet where 2,500 square feet is typical in the R-1 District, and the building envelope can be accommodated on-site with minor bulk variances for the side yard setback and height. The site is a transit-oriented development (TOD) site, located one block east of the MLK Drive Light Rail Station and 0.4 miles (8-minute walk) from the Garfield Avenue Light Rail station; and the surrounding area is improved with a mixture of residential, commercial and institutional uses.

The project site can accommodate problems associated with the increased density, pursuant to the d(5) density variance requested. The proposed density of the project (79 dwelling units per acre) is consistent with other multi-family buildings on the block including the adjacent property to the north, Ocean Green Senior Apartments at 742-744 Ocean Avenue (Lot 53.01) a 5-story, 44-unit senior housing building with a density of 108 units per acre. Further to the south are several 4-story, 4-unit row homes (720-728 Ocean Avenue), and a 4-story multi-family dwelling at 712-715 Ocean Avenue with 32 units for a density of 113 units per acre. Additionally, across the street is the Jackson Hill Redevelopment Area which is developed with several multi-family uses including: 717 Ocean Avenue with a density of 114 units per acre, 715 Ocean Avenue with 91 units per acre, 713 Ocean Avenue with 128 units per acre and 711 Ocean Avenue with 137 units per acre. The project

also requires several “c” bulk variances which can be granted where the benefits of the proposed project would outweigh any detriments.

A building height variance is required where a maximum of 30 feet is permitted, and 33 feet is proposed. The additional 3-feet allow for a pitched roof, sloping from front to rear of the building for better drainage. The proposed additional height will not have any detrimental impact as the roof is proposed to be surrounded by a permitted solid parapet which will screen the roofline from view. No roof deck is proposed.

A side yard setback variance is required where the southern side yard setback has an existing de minimis non-conforming condition of 1.93 feet where 2 feet setback is required. The proposed third story will continue the façade up another story. The proposed setback will not have any detrimental impacts on the adjacent 1-story church.

A lot coverage variance is required where a maximum coverage of 85% is permitted, and 94.5% is proposed. The project will improve the lot coverage condition, reducing it from 100% coverage with the removal of the accessory structure and addition of a lawn area in the rear yard. In addition, one (1) new street tree is proposed along Ocean Avenue.

Additionally, a variance for front yard landscaping is required where 30% landscaping is required and 0% is proposed. The front yard is very shallow, at under 5 feet, with the majority of the yard occupied by driveway, walkways and the proposed ADA compliant ramp for Unit 1A. Landscaping planters are proposed to improve the front façade.

Finally, a variance is required where a 14-foot drive aisle is proposed for the parking area, where 22 feet is required. The project maximizes parking in the rear yard area, providing three (3) off-street parking spaces. The proposed 14-foot aisle should be sufficient to allow for efficient parking space access.

Overall, the benefits of the project outweigh the detriments, with the project removing several existing non-conforming conditions of the site, while providing renovated residential units in an area that is close to transportation options, as well as improvements to the building façade and streetscape.

The proposed project promotes various purposes of the Municipal Land Use Law:

- Consistent with N.J.S.A. 40:55.D-2.c. the project maintains existing front and side yard setbacks and provides improved rear yard setbacks which offer *adequate light, air and open space* to the adjacent properties.
- The project will promote *appropriate population densities and concentrations*, consistent with other multi-family dwellings which is within one-half mile of two light rail stations in the neighborhood, per N.J.S.A. 40:55.D-2.e.
- The granting of the variances will also promote a *desirable visual environment* through the renovation and expansion of the existing building with a bulk that is contextually appropriate with the neighborhood improvements to the building facade, consistent with N.J.S.A. 40:55.D-2.i.
- *Promotes utilization of renewable energy resources* consistent with N.J.S.A. 40:55D-2.n by providing solar panels on the roof.

Negative Criteria: The granting of the variances will not result in a substantial detriment to the public good or the general welfare. The proposed project is contextual to the surrounding neighborhood which contains a variety of densities and building bulks. The project will provide off-street parking and new landscaping.

The granting of the variances will not result in a substantial detriment to the intent and purpose of the zone plan. The project will advance several land use objectives of the City's 2000 Master Plan, including:

- Protecting and preserving residential neighborhoods from intrusion by non-residential uses.
- Providing consistent in-fill development, with a project that is designed to complement the existing setbacks and design of buildings on the block.
- Providing housing densities appropriate to the character of the existing neighborhood.

As such, both the positive and negative criteria have been met to support the granting of the use variance pursuant to N.J.S.A. 40:55D-70.d.(2), density variance pursuant to N.J.S.A. 40:55D-70.d.(5) and to support any ancillary bulk variances pursuant to N.J.S.A. 40:55D-70.c.(2), wherein the benefits of granting the variances would substantially outweigh any detriments.

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