

Statement of Principal Points
99 Thorne Street (Block 2603, Lot 25)
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 Minor Site Plan approval; approval of a use variance pursuant to N.J.S.A. 40:55D-70.(1); approval of a height variance pursuant to N.J.S.A. 40:55D-70.d.(6); and approval of bulk “c” variances for minimum side yard setback and minimum front yard landscaping.

The subject property is identified as Lot 25 on Block 2603 and is located midblock between Summit Avenue to the east and John F. Kennedy Boulevard to the west. The subject property has a lot size of 2,500 square feet, with a lot width of 25 feet and a lot depth of 100 feet. Currently, the subject property is improved with a 2-story, 3-unit dwelling. The subject property is located in the One- and Two-Family Housing (“R-1”) District.

The purpose of this application is to renovate and expand the existing residential building, while maintaining the existing nonconforming 3-unit use in the R-1 District. The project is proposing a 3-story rear addition to the existing building, 1-story addition over the existing 2-story building, and interior renovations and exterior improvements. Internal renovations are proposed throughout, including the existing cellar which will provide storage space for all three units, a 335-square-foot recreation space for Unit 1, a bathroom, and mechanical and utility areas. The first floor will consist of a 1,294-square-foot, 3-bedroom unit with access to a rear yard area. The second floor will consist of a 1,289-square-foot, 3-bedroom unit with access to a balcony in the rear of the building. The third floor will provide a 1,294-square-foot, 3-bedroom unit with access to a balcony in the rear of the building. The roof will consist of an approximate 290-square-foot private roof deck for the second-floor unit, an approximate 390-square-foot private roof deck for the third-floor unit, and green roof trays. In addition, one new street tree is proposed.

d(1) Use Variance: The Zoning Board of Adjustment has the jurisdiction to grant 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.

The subject property is currently improved with a preexisting, nonconforming 3-unit residential dwelling. The proposed project will not be increasing the existing density on the subject property and therefore the subject property can continue to accommodate the existing multi-family use. Furthermore, the proposed additions will provide a building footprint that will provide sufficiently sized units and outdoor amenity space.

The project proposes to enhance the exterior of the building with updates to the façade along with other streetscape improvements. The proposed additions will maintain a building height and massing in scale with the surrounding area. In addition, the proposed additions will remain compliant, with the exception of the east side yard setback, with the

R-1 District setback and building coverage requirements. With the proposed rear addition, the building will have a 29.07-foot rear yard setback, which meets the required minimum 20-foot rear yard setback requirement. The combined front yard setback (5.93 feet) and rear yard setback (29.07 feet) also meets the required combined 35-foot setback requirement. The existing front yard setback that will be maintained is consistent with the predominant front yard setback of the block. The proposed addition will increase the building coverage to 57%, which is still under the maximum permitted 60% building coverage in the R-1 District. The project is proposing a lot coverage of 85% with the proposed addition, which also meets the maximum permitted 85% lot coverage in the R-1 District. The proposed project is consistent with the scale and design of the existing buildings in terms of use and bulk.

The proposed multi-family use is also in character and of similar intensity to the existing multi-family uses in the surrounding area. To the west of the subject property is a 3-story, 3-unit dwelling at 111 Thorne Street (Block 2603, Lot 19). To the east of the subject property on Block 2705 are 2-story 3-unit dwellings at 91 Thorne Street (Lot 2) and 83 Thorne Street (Lot 6). Across Thorne Street to the northwest on Block 2104 are 3-story, 6-unit residential buildings at 108 Thorne Street (Lot 69), 128 Thorne Street (Lot 78), and 130 Thorne Street (Lot 79). Across Thorne Street to the northeast on Block 2104 are 2-story, 3-unit dwellings at 92 Thorne Street (Lot 61) and 82 Thorne Street (Lot 56).

d(6) Height Variance: 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.

In terms of the height variance, the subject property can accommodate the increased height of the proposed addition and is consistent with other buildings in the surrounding area. A building height of 33 feet is permitted in the R-1 District for flat roof buildings with 10-foot floor-to-ceiling heights. The existing building also has a cellar level that rises approximately 3 feet, 1.5 inches above grade. The proposed 1-story addition over the existing 2-story building and 3-story addition to the rear of the existing building is proposed to rise 33 feet, 1.5 inches. The proposed 3-story addition will match the existing cellar, which as stated rises approximately 3 feet, 1.5 inches above grade. The project is proposing to rectify the existing nonconforming floor-to-ceiling heights of 7 feet, 10.5 inches and 8 feet, 6 inches on the first and second floors by proposing compliant 9-foot floor-to-ceiling heights on each floor. The proposed building height is consistent with other building heights along Thorne Street, which also have similar cellar levels that rise above grade creating additional building height. In addition, the proposed building height is consistent with the maximum permitted building height of 39 feet for flat roof buildings, albeit for buildings with 12-foot floor-to-ceiling heights, in the R-1 District. Therefore, there will be no substantial detriment on the streetscape.

Bulk "c" Variances: The requested bulk "c" variances for minimum side yard setback and minimum front yard landscaping can be granted pursuant to N.J.S.A. 40:55D-70.c.(2), wherein the benefits of the proposed project would outweigh any detriments and the purposes of the MLUL would be advanced.

Minimum Side Yard Setback: A minimum side yard setback of 2 feet for one side, and 5 feet and 1 inch for both sides is required. The existing building has a preexisting nonconforming side yard setbacks of approximately 2 inches from the east side and 2 feet, 3.75 inches from the west side lot line. The proposed addition will maintain the approximate 2-inch side yard setback from the east side lot line and will increase the side yard setback to a conforming 3 feet, 1-inch from the west side lot line. There are no existing or proposed windows along the east façade of the building. In addition, the adjacent building has an approximate 3-foot side yard setback and therefore there will not be a substantial detriment on light and air. The proposed widened setback of the rear addition will provide adequate light and air to the adjacent property and a walkway to the rear yard.

Minimum Front Yard Landscaping: The existing front yard area has 100% impervious lot coverage where a minimum of 60% (89 square feet) front yard landscaping is required. The project is proposing to improve the conditions of the front yard area by adding 20% (29.5 square feet) of front yard landscaping. Additionally, one new tree pit and street tree is proposed, along with approximately 325 square feet of landscaping and 300 square feet of pavers are proposed in the rear yard, and planters and 134 square feet of green trays are proposed on the roof.

Purposes of the MLUL: The proposed project will advance and promote various purposes of the *Municipal Land Use Law (MLUL)*. Granting the requested variances will guide the appropriate development in a manner which will promote the public health and general welfare consistent with N.J.S.A. 40:55D-2.a. with an appropriate addition and renovation of the existing 3-unit residential dwelling. The proposed project will provide adequate light, air, and open space to the adjacent properties with sufficient setbacks pursuant to N.J.S.A. 40:55D-2.c. The project will promote the establishment of appropriate population densities and concentrations that will contribute the well-being of persons, neighborhoods, and communities pursuant to N.J.S.A. 40:55D-2.e. by maintaining the existing density.

No Substantial Detriment to the General Welfare: Granting the requested variances will not result in a substantial detriment to the general welfare. The project is proposing to maintain the existing 3-unit residential dwelling, which is also consistent with other existing multi-family uses in the surrounding area. The building with the proposed addition will also be compatible in scale, setbacks, and architectural character with the surrounding area. As stated, the proposed project will have no substantial detriment to light and air, and the proposed landscaping will improve the stormwater conditions of the property.

No Substantial Impairment to the Zone Plan or Zoning Ordinance: Granting the requested variances will likewise not result in a substantial impairment to the zoning ordinance and zone plan. The intent and purpose of the R-1 District is “to accommodate existing housing and encourage compatible in-fill development”. The proposed project also advances the Jersey City Master Plan by enhancing residential neighborhoods and creating a balanced housing supply that meets the needs of all current and future city residents

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