

CITY OF JERSEY CITY

Department of Housing, Economic Development & Commerce
Division of City Planning



Interdepartmental Memorandum

DATE: March 22, 2022

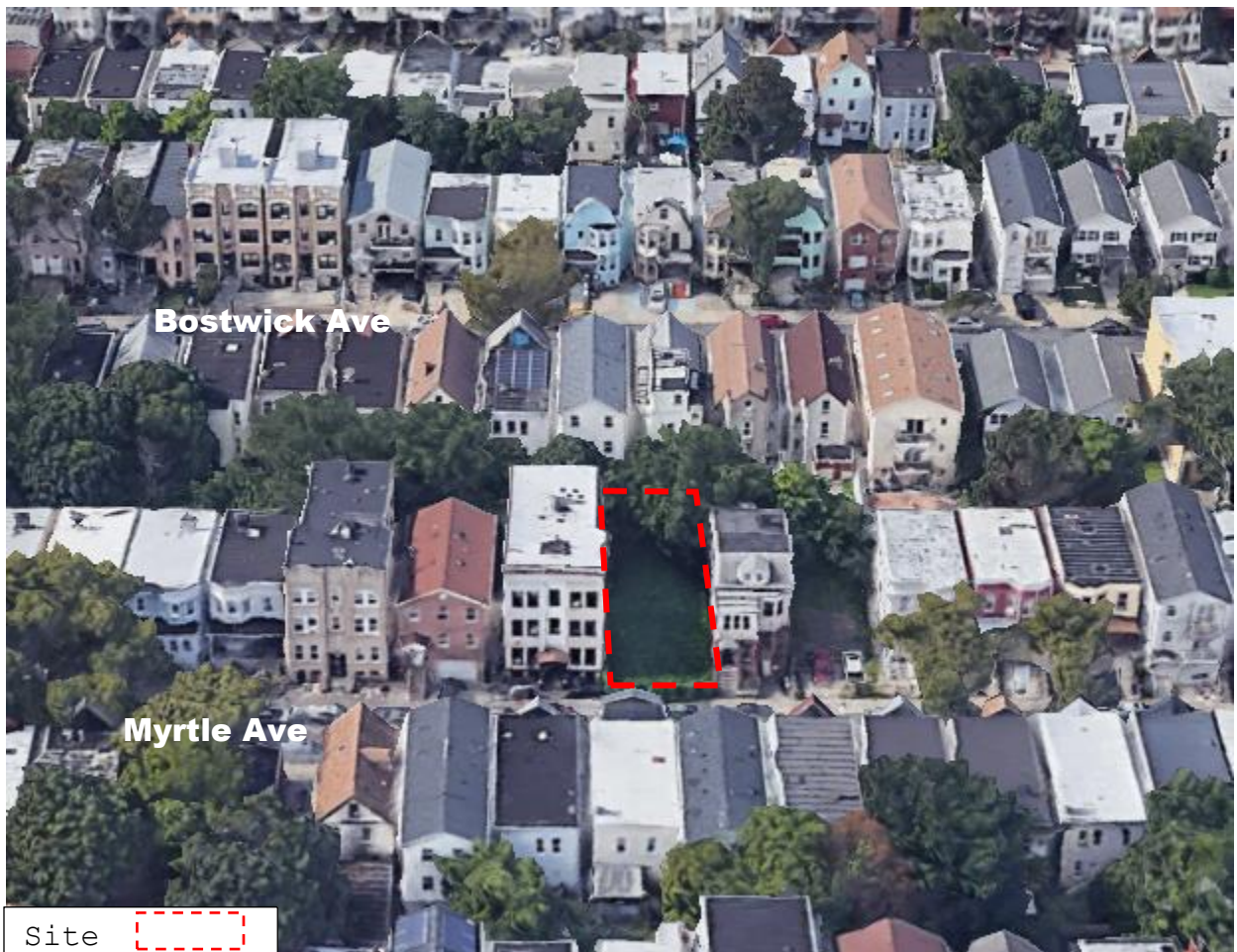
TO: Planning Board Commission

FROM: Francisco Espinoza, Assistant Planner
Matthew Ward, Supervising Planner, AICP, PP

SUBJECT: Staff Report re Z22-014- (193 Myrtle Ave)
Block: 23103; Lot: 13
"c" Variances

SITE & LOCATION DESCRIPTION:

The proposed site is located at 193 Myrtle Ave (Block 23103, Lot 13) and is located in an R-1 zone of the City.



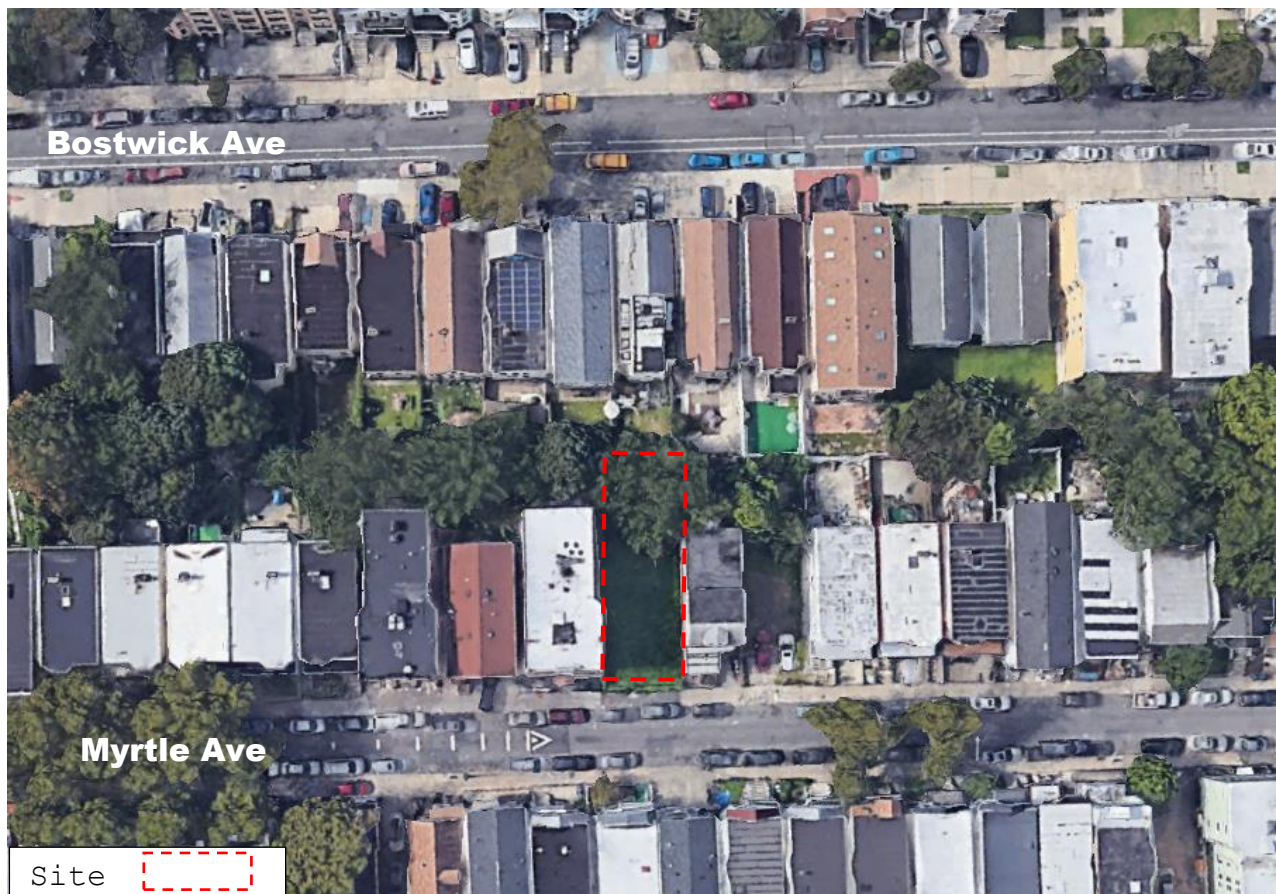
3D view of Site

APPLICATION BACKGROUND + PROPOSAL:

Existing Conditions: The site is currently a 31ft x 88ft vacant lot and approximately 2,844 sqft on Myrtle Ave in the R-1 zone. The lot depth is undersized from a depth perspective by R-1 standards where the standard is 100ft. However, the lot is larger than the width min requirement of 25ft which makes the lot larger than the standard, 25ft x 100ft= 2,500sqft lot.

Proposed Conditions: The Applicant (Delaware Park Properties, LLC) is seeking approval for a 'c' Variance to construct a new three (3) story building with two (2) units above a 2-car garage. The two (2) units will consist of three (3) bedrooms and (2) bathrooms. The new construction will also provide a recreation space, roof deck, and patio for residents. A new tree will also be planted on site.

The “c” variance request is for relief of the minimum rear yard requirement. The R-1 zone requires that the minimum rear yard for a property is twenty (20ft) where the applicant is proposing about seventeen (17ft). The site is currently vacant.



Aerial of Site



Street view of Site

STAFF COMMENTS

- 1) Applicant's experts shall provide testimony briefly discussing the proposed 'c' variance.
- 2) Applicant's experts shall provide testimony briefly highlighting the proposed development.
- 3) Applicant's experts shall provide testimony about the variance sought for relief from the minimum setback and minimum lot depth requirements in the NC zone.
- 4) Applicant's experts shall provide a visual representation of the proposed site, provide samples of construction materials to be used, and create a verbal record that explains the access points as well as the design/layout of the proposed development.

STAFF RECOMMENDED CONDITIONS UPON APPROVAL

All testimony given by the applicant and their expert witnesses in accordance with this application shall be binding. The staff recommends the following conditions to mitigate the negative criteria:

- 1) All material and color selections shall be shown on the final plans. No change to the façade and site design, including materials as well as any changes that may be required by the Construction Code

Official, shall be permitted without consultation and approval by the Planning staff.

- 2) All street trees and landscaping shall be installed in accordance with the Jersey City Forestry Standards prior to the issuance of a Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO).
- 3) The architectural firm of record, shall submit a signed and sealed affidavit confirming that the building was constructed as approved, prior to issuance of the Certificate of Occupancy.

Addendum

■ 'C' VARIANCE

Required Findings for 'C' Variance Standard/Deviations under N.J.S.A. 40:55D-70(c)(2):

1. The justifications must relate to a specific piece of property;
2. The purposes of the Municipal Land Use Law would be advanced by the deviation from the zoning ordinance requirement;
3. The deviation can be granted without substantial detriment to the public good;
4. The community benefits of the deviation would substantially outweigh any detriment and;
5. The deviation will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

▫ **Negative Criteria**

No relief may ever be granted unless it can be done

1. without substantial detriment to the public good, and
2. without substantially impairing the intent and purpose of the zone plan and zoning ordinance

1) Substantial detriment to the public good – Balancing Requirement.

The focus of this first prong of the negative criteria is on the variance's effect on the surrounding properties. The board must weigh the zoning benefits from the variance against the zoning harms. In many instances, conditions of approval address the negative criteria standard and help to mitigate the impact of the variance.

2) Substantial impairment to the intent and purpose of the zone plan and ordinance.

The focus of this second prong of the negative criteria is on the power to zone based on ordinance and not variance