

STATEMENT OF PRINCIPAL PLANNING POINTS
Request for “c” Variance

303 Park Avenue, Hoboken, New Jersey
Block: 179, Lot: 2

Date: August 4, 2017

The Applicant has filed a development application with the Hoboken Zoning Board of Adjustment for a “c” variance pursuant to N.J.S.A. 40:55D-70(c)(1) to permit a deviation from the maximum lot coverage requirement and to allow the continuation of existing non-conforming conditions on the property.

The property is located on the east side of Park Avenue between 3rd Street and 4th Street and is within the R-1 District zone.

The property is currently developed with a two (2)-family, three (3)-story residential dwelling. As the property is located in the R-1 District zone, the existing single family home is a permitted use.

The existing building is non-conforming with several requirements of the R-1 District zone. Lots in the R-1 District zone must be at least twenty (20) feet wide and one-hundred (100) feet deep, comprising at least two-thousand (2,000) square feet. Buildings in the R-1 District zone must have a rear-yard setback of at least thirty (30) feet, or thirty (30%) percent of the depth of the lot, whichever is less. Buildings must also include six hundred and sixty (660) square feet per dwelling unit to be in conformity the zone’s density requirements. The existing lot is only sixteen (16) feet wide and fifty-seven (57) feet deep, comprising only nine-hundred and twelve (912) square feet. The property has a rear-yard setback of only twelve (12) feet and nine (9) inches. Finally, the existing two (2)-family home has a density of four-hundred and fifty-six (456) square feet per dwelling unit. The proposed project will continue these non-conforming conditions unchanged. The Municipal Land Use Law and the zoning plan permit existing non-conforming structures to remain intact. Therefore, the continuation of these non-conforming conditions is not inconsistent with New Jersey law or the zoning plan.

The maximum lot coverage permitted on lots within the R-1 District zone is sixty (60%) percent. The lot currently has a lot coverage of sixty-eight (68%) percent and the applicant requests approval to expand the lot coverage to seventy-four (74%) percent. The non-conforming size of the lot requires the proposed project to seek a variance where a similar project on a conforming lot would be permitted as-of-right. At

only nine-hundred twelve (912) square feet, the lot is less than fifty (50%) the size of the required minimum lot size in the R-1 District zone. Indeed, the non-conforming size of the lot is the cause of each of the existing non-conforming conditions on the property. The applicant's requested variance calls for only a six (6%) percent expansion of the existing lot coverage and only a fourteen (14%) percent deviation from the zone's requirement. Given the significantly smaller size of the lot compared to current zoning requirements, the requested deviation is minor in scope and size. The proposed project is in keeping with the size and scope of other residential dwellings in the R-1 District. Further, the project will be consistent with the character of the neighborhood and will improve the aesthetics of the block by bring the property into greater conformity with the appearance of the neighboring buildings. Thus, the proposed lot coverage deviation would be consistent with the intent of the zone plan.

Altogether, the property will continue to be in keeping with the character of the area and will not result in a detriment to the public good, nor will it result in a detriment to the intent of the zone plan. The proposed project is also consistent with several of the purposes of zoning pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq.

- The granting of the requested deviation will be a municipal action which will guide the appropriate use and development of this site in a manner which will promote the public health, safety, morals and general welfare by continuing the two (2)-family use in a R-1 district, and is therefore also consistent with N.J.S.A. 40:55D-2.a.
- The granting of the requested deviation will promote the establishment of an appropriate population density as a two (2)-family home in a residential zone. The project will therefore contribute to the wellbeing of persons, the neighborhood and community consistent with N.J.S.A. 40:55D-2.e.

The project will also advance other purposes of the Municipal Land Use Law, specifically:

- To secure safety from fire, flood, panic and other natural and man-made disasters; by providing a building consistent with current hazard standards pursuant to NJSA 40:55D-2.b.
- The proposed project provides sufficient space in an appropriate location for this type of proposed residential use, in order to meet the needs of all New Jersey citizens as promoted by NJSA 40: 55D-2g.
- The project will promote a desirable visual environment through creative development techniques and good civic design and arrangement with an attractive residential building consistent with NJSA 40: 55D-2i.

In conclusion, both the positive and negative criteria have been met for the lot coverage “c” variance and the continuation of the existing non-conforming conditions. Therefore, the requested variance can be granted because both the positive and negative criteria have been met. The project will be keeping with the size, scale and density of the surrounding area and advance a consistent neighborhood character, therefore promoting the general welfare. The site is well suited for the proposed project. Granting the requested variance will not result in a substantial detriment to either the intent of the zone plan or the general welfare, and as such the benefits of granting the variance will substantially outweigh any detriments.

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