

Principal Points Statement
325-329 Newark Avenue
Block 11001, Lot 6
Jersey City, NJ

A development application has been filed for the above noted property with the Jersey City Planning Board for Preliminary and Final Major Site Plan approval with a “c” variance pursuant to NJSA 40:55d-70.c (rear yard setback) with regard to 325-329 Newark Avenue, also known as Block 11001, Lot 6 on the Jersey City Tax Maps (“Property”). The Property is located within the NC Neighborhood Commercial zoning district (the “NC Zone”). The Applicant intends to clear the Property and construct a new five (5) story mixed-use building with sixteen (16) residential units and ground floor commercial space (the “Project”). The proposed development is a permitted use. Mixed-use buildings are a permitted principal use. The Property is currently improved with a one-story gas station use. The Property is an irregularly shaped lot of approximately 3,698 square feet.

As part of this application, the Applicant is seeking the following “c” variances:

1. A variance to permit a 0’ rear yard setback, where a 15’ setback is required.

Minimum rear yard setback: The irregular nature of this Property creates a condition that makes this variance necessary to develop the Property. The NC Zone requires a 15 foot rear yard setback but the Project proposes to build right up to the rear yard lot line with a zero foot setback.

The Property is an oddly shaped triangular corner lot, meaning that its rear yard lot line is not a traditional rear yard lot line. This condition creates a hardship and makes it challenging for any project to comply with the rear yard setback requirements.

The positive criteria to support the variance are that the Project is advancing the purposes of the NC Zone by providing a largely compliant mixed-use building in the NC Zone. The current gas station use is a non-conforming use, which will be replaced by a use which is permitted in the NC Zone.

The negative criteria are satisfied also, because granting the variance will not substantially impair the zone plan or the intent of the NC Zone. The building currently on the Property is built with a zero foot rear yard setback. If a rear yard setback were provided, it would create an unnecessary alleyway along the streetscape on Newark Avenue. Instead, the proposed Project will provide an attractive, continuous streetscape that will engage pedestrians and create a more friendly, walkable neighborhood.

The unusual shape of the lot creates a hardship that prevents the Project from complying with the rear yard setback requirements. The positive criteria are met because the Project will advance the purposes of the NC Zone by replacing a non-conforming use with a permitted use that is largely compliant with the NC Zone requirements. The negative criteria are satisfied because the proposed Project and variance will not substantially impair the zone plan, because complying with the rear yard setback would result in an undesirable 15 foot wide corridor of empty space along the pedestrian walkway, which would go against the purpose of the NC Zone.

Therefore, the variance may be granted.

Even if there were no hardship, the variance could be granted because the benefits (as outlined above) outweigh any substantial detriments. The proposed Project would advance the purposes of the Municipal Land Use Law (“MLUL”), the Redevelopment Plan, and the Jersey City Land Development Ordinance (“JC LDO”) by replacing a non-conforming use with a mixed-use development in the NC Zone. There are no substantial detriments. Therefore, the variance may be granted.

The applicant reserves the right to supplement the foregoing reasons with expert testimony at the Planning Board hearing.