

Statement of Principal Points  
194 Freeman Avenue (Block 14602, Lot 46)  
Jersey City, Hudson County, New Jersey

January 27, 2023

An application has been filed for the above-noted property ("subject property") with the Jersey City Zoning Board of Adjustment for approval of bulk "c" variances for maximum building height (feet), minimum rear yard setback, and maximum building coverage.

The subject property at 194 Freeman Avenue is identified as Lot 46 on Block 14602 and is located midblock between Lincoln Park and Holy Name Cemetery. The subject property has a lot area of approximately 1,475 square feet, with approximately 25 feet of frontage along Freeman Avenue. The subject property is currently a vacant lot. The subject property is located in the One- and Two-Family Housing ("R-1") District.

The purpose of the project is to develop the existing vacant lot with a new 3-story, 2-family dwelling. The ground floor would consist of a 2-car garage and storage space. The second and third floors will each consist of a 3-bedroom, 2-bathroom dwelling unit.

*Positive Criteria:* The requested bulk "c" variances 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.

*Maximum Building Height (feet):* The project proposes a building height of 32 feet, 9 1/8 inches where a maximum building height of 30 feet is permitted for a flat roof building with 9-foot floor-to-ceiling heights. The project is proposing a 3-story building, which is permitted in the R-1 District. Furthermore, each floor is proposed to have a 9-foot floor-to-ceiling height complying with the minimum floor-to-ceiling height requirements. The additional building height is due to having greater than the contemplated 12 inches of height between floors. It should be noted that the proposed approximate 33-foot building height is still within the permitted 39-foot building height, albeit for buildings with 12-foot floor-to-ceiling heights, in the R-1 District. Therefore, the proposed building height is consistent with other 3-story buildings in the surrounding area. The flat roof building design and elevated entryway above grade is also consistent with buildings along Freeman Avenue.

*Minimum Rear Yard Setback:* The project proposes a rear yard setback of 10 feet where a minimum rear yard setback of 34 feet is required. The project is proposing a 1-foot front yard setback matching the adjacent buildings and predominant setback of the block in compliance with the front yard setback requirement. The subject property has an existing nonconforming lot depth of 60 feet where 100 feet is required. The rear yard of the subject property is adjacent to the side yard of Lot 44, which fronts onto and extends 100 feet from Duncan Avenue. The adjacent Lot 44 is developed with a 2-story, 2-unit residential building that extends approximately 65 feet from the Duncan Avenue property line. Therefore, the adjacent building runs entirely along the rear of the subject property. The proposed 10-foot rear yard setback will therefore provide adequate light, air, and open as

the rear yard acts as a side yard. Furthermore, due to the irregular condition of the block the proposed deviation from the required rear yard setback will not disrupt the intended donut hole in the center of the block.

*Maximum Building Coverage:* The project proposes a building coverage of 70% (1,032.36 square feet), where a maximum building coverage of 60% (1,500 square feet) is permitted in the R-1 District. The proposed project is compliant with the maximum lot coverage requirement where 81.78% is proposed and 85% is permitted. In addition, the project meets the minimum required front yard landscaping requirement where 37% is proposed and 30% is required. The proposed building footprint and massing is consistent with residential buildings in the surrounding area.

*Purposes of the MLUL:* Granting the requested variances will advance the purposes of the Municipal Land Use Law and promote the general welfare. Granting the requested variances will continue to guide the appropriate use and development of the subject property in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2.a. through the provision of a permitted 2-unit residential building consistent with the surrounding area. The project is also proposing a density that is consistent with the surrounding area and therefore promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities; consistent with N.J.S.A. 40:55D-2.e. Granting the requested variances will promote a more desirable visual environment through the creative development techniques consistent with N.J.S.A. 40:55D-2.i.

*Negative Criteria:* Granting the requested variances will not result in a substantial detriment to the public good or the general welfare. The proposed project will develop a vacant lot with a permitted 2-family residential dwelling consistent with the surrounding residential neighborhood. As stated, the project is proposing adequate setbacks between the proposed building and adjacent buildings allowing for light, air, and open space. The project complies with the maximum lot coverage requirement and is providing landscaping to mitigate stormwater runoff. The proposed 3-story building is consistent with the scale and building pattern of the surrounding area

Granting the requested variances will likewise not result in a substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The purposes of the R-1 District include “encouraging compatible in-fill development” and “preserving the integrity of residential neighborhoods.” The proposed project also advances the Jersey City Master Plan by redeveloping the property, which will provide a unique, attractive, and high-quality residential area that will serve existing residents and attract new residents with a wide range of housing and life-style choices.

The requested variances for the proposed project are justified and can be granted in that both the positive and negative criteria have been met pursuant to N.J.S.A. 40:55D-70.c. The Applicant reserves the right to supplement the foregoing reasons with expert testimony at the Jersey City Zoning Board of Adjustment hearing.