

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF
JERSEY CITY APPROVING EXPANSION OF RESIDENTIAL USE WITH “C”
VARIANCES**

APPLICANT: **STEVEN M. FULOP and JACLYN FULOP**

FOR: **EXPANSION OF RESIDENTIAL USE WITH “C” VARIANCES**

PROPERTY: **360 Ogden Avenue**
 Block 2404, Lot 11

CASE NO. **Z20-053**

WHEREAS, application has been made by Steven M. Fulop and Jaclyn Fulop (hereinafter collectively, the “Applicant”) to the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey by Genova Burns LLC (Eugene T. Paolino, Esq. appearing) for approval to expand the space of the existing residential structure by 887 sf with “c” Variances (the “Project”), filed under case no. Z20-053 for Applicant’s premises located at 360 Ogden Avenue, designated as Block 2404, Lots 11 on the official Tax Map of the City of Jersey City, County of Hudson, State of New Jersey (the “Property”); and

WHEREAS, the Property is located within the R-1 Zone and governed by the City of Jersey City Land Development Ordinance (the “Ordinance”); and

WHEREAS, the Applicant has submitted proof that it has complied with the Ordinance and applicable procedural requirements including the payment of fees; and

WHEREAS, due notice of the Thursday, August 13, 2020 virtual hearing for the above-described Application was provided in accordance with the Municipal Land Use Law, the recent Executive Orders issued by Governor Phillip Murphy due to the COVID-19 pandemic and as prescribed in the Land Development Ordinance of the City of Jersey City; and

WHEREAS, the Board has formally heard and considered the evidence presented by Applicant in support of the within application including the sworn testimony of its expert

witnesses, Dwayne Dancey and Kirk Mitchell of Art Designs LLC (Architecture), the comments of the public and the comments and recommendations of David Spatz, a licensed planner, who reviewed the Project on behalf of the Division of City Planning;

WHEREAS, having considered the within application, all supporting documents, the sworn testimony in support of the application, and the comments and recommendations of Planning Staff, and having heard public comment, the Zoning Board of Adjustment of the City of Jersey City hereby makes the following findings of fact and conclusions thereon:

FINDINGS OF FACT

1. All the Recitals hereinabove set forth are incorporated herein by reference and all exhibits, drawings and documents, including Applicant's General Development Application and Supporting Documents and the Division of City Planning's testimony and reports, if any, are hereby incorporated by reference.

2. The Applicant is the owner of the Property and proposes to increase the space for existing residential use by 887 sf resulting in change to previously approved variances regarding the existing rear yard setback and building coverage (the "Project").

3. The Property is located within R-1 Zone of the City of Jersey City and governed by Section 345:40 of the City of Jersey City Land Development Ordinance.

4. Although Dwayne Dancey is the New Jersey licensed architect for the Project, his associate, Kirk Mitchell of Art Designs LLC testified as to the architectural aspects of the proposed amendment being sought by the Applicant.

5. Mr. Mitchell testified that the Property is located in the R-1 Zone and situated on an undersized lot size totaling 1,107sf. The Property currently contains a residential structure with a basement and three (3) stories in which the Applicant currently resides.

6. Mr. Mitchell testified that at the ground/basement floor, the existing structure is approximately 5 feet 4 inches (5'4") from the rear property line. The Applicant is seeking to cover and enclose the deck on the ground floor, reducing the existing rear yard setback to 1 foot, 9 inches (1'9") at its closest point to the rear property line. The Applicant also seeks to enclose the existing deck and thus adding 65 sf of interior space.

7. In addition, at the ground/basement floor, the Applicant is seeking to lower the existing floor by fourteen inches (14") in order to potentially add additional ceiling height towards the rear portion of the ground/basement floor.

8. Regarding the first floor, Mr. Mitchell testified that Applicant is seeking to extend and partially enclose the existing deck located at the rear of the structure so as to align the first floor and basement floor on the same plane.

9. Mr. Mitchell testified that regarding the second floor, the Applicant is seeking to add 316 sf to the rear addition by enclosing the existing deck.

10. With regards to the third floor, Mr. Mitchell testified that similar to the second floor, the Applicant is seeking to add an additional 316 sf of by enclosing the existing deck and then adding an additional five foot (5') rear deck to that floor.

11. Mr. Mitchell testified that all of the above amounts to an additional 887 sf of residential space which minimally affects the building coverage and reduces the rear yard set back.

12. Mr. Mitchell also testified that the existing gable and shed roof will be demolished in order to be able to flatten the roof and allow the use of the ceiling height of the new extension.

13. As part of the justification for the expansion of the prior approved variances, Mr. Mitchell testified that due to the shallowness of the lot it is difficult to expand the livable square foot of the structure and the only options are either to increase the height of the structure or extend

it out at the rear and that the easier of those two options was to extend out towards the rear which is what the Applicant is proposing.

14. Finally, Mr. Mitchell testified that the proposed Project is in line with the existing structures in and around the Property and that the proposed extensions do no effect or impact or otherwise impinge on the Palisades.

15. Following Applicant's testimony, public comment was taken and the staff report of the Planning Division of the City of Jersey City was elicited. On behalf of the City, David Spatz recommended approval of the amended Project.

16. The Board finds that the Project and its proposed improvements will benefit the community through the promotion of the intent and purpose the Municipal Land Use Law. Specifically, the Project meets the intent of the Ordinance, and, therefore, the granting of the variance will guide the appropriate use and development of this site in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2a. The Project will promote a desirable visual environment through creative development techniques and good civic design and arrangement, consistent with N.J.S.A. 40:55D-2i.

17. The Board finds that the proposed improvements will benefit the community through the promotion of the intent and purpose of the Ordinance.

18. The Board finds that granting the variances will not result in a detriment to the public good. The Project is consistent with the purpose and intent of the Ordinance, and the City's Master Plan and will advance the purposes and intent of both. The granting of the requested variances will not substantially impair the intent and purpose of the Ordinance. Accordingly, the requested variances can be granted in that the positive and negative criteria of the Municipal Land Use Law have been satisfied. Moreover, the benefits of granting the requested variances would

substantially outweigh any detriments relative to any adjustments, variances or deviations from any bulk criteria.

19. The Board hereby grants relief in the form of a variances from the following sections of the Ordinance:

- (a) Section 345:40(E)(6) of the Ordinance regarding rear yard setbacks;
- (b) Section 345:40(E)(9) of the Ordinance setting forth maximum building coverage at 60%;
- (c) Section 345:60(V) of the Ordinance setting forth standards for non-conforming uses, structures and lots;
- (d) Section 345:60(a)(2) of the Ordinance regarding reductions in existing yards;
- (e) Section 345:60(C)(1) of the Ordinance regarding the area, dimensions and sizes of front, side and rear yards.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, as well as those reasons stated on the record herein, which reasons are incorporated herein by reference, having heard Applicant's testimony, public comment and the report of the staff of the Jersey City Planning Division, approves the within application, Case Z19-053 for approval to increase the existing residential use by 887 sf resulting in an increase to previously approved variances relating to the existing rear yard setback and building coverage.

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JERSEY CITY APPROVING MINOR EXPANSION OF RESIDENTIAL USE WITH "C"
VARIANCES**

APPLICANT: **STEVEN M. FULOP and JACLYN FULOP**

FOR: **EXPANSION OF EXISTING RESIDENTIAL USE WITH "C"
VARIANCES**

PROPERTY: **360 Ogden Avenue
Block 2404, Lot 11**

CASE NO. **Z20-053**

DATE OF HEARING: August 13, 2020

VOTE: 7-0


**VOTING IN FAVOR
COMMISSIONERS:**

1. Chairman Joshua Jacobs
2. Commissioner Richard J. McCormack
3. Commissioner Ahmed Shedeed
4. Commissioner Chester M. Rothman
5. Commissioner Nicholas Jayme
6. Commissioner Anthony Mitchell
7. Commissioner Lenora Brown



Joshua Jacobs (Sep 25, 2020 09:22 EDT)

**JOSHUA JACOBS, Chairman
JERSEY CITY ZONING
BOARD OF ADJUSTMENT**



Lindsey Sigmund (Sep 25, 2020 09:24 EDT)

**LINDSEY SIGMUND, Secretary
JERSEY CITY ZONING BOARD OF
ADJUSTMENT**

APPROVED AS TO LEGAL FORM:



Vincent LaPaglia (Sep 25, 2020 09:25 EDT)

**VINCENT LaPAGLIA, ESQ.
JERSEY CITY PLANNING BOARD**

DATE OF MEMORIALIZATION:

SEPTEMBER 24, 2020