

Statement of Principal Points
114 Bowers Street (Block 2201, Lot 51)
Jersey City, Hudson County, New Jersey

An application for the property at 114 Bowers Street, identified as Lot 51 in Block 2201, has been filed before the Zoning Board of Adjustments of Jersey City. The present application has been filed for approval of a “d” variance for use as well as “c” variances for minimum rear-yard setback, minimum combined front- and rear-yard setback, minimum side-yard setback, maximum lot coverage, and maximum building coverage pursuant to N.J.S.A. 40:55D-70.c.

The property is located on the North side of Bowers Street with Central Avenue to the West and Cambridge Avenue directly to the East. The lot is undersized with an area of 1,500 square feet. The lot has 30 feet of frontage along Bowers Street and a lot depth of 50 feet. The property is currently developed with a 1-story, commercial building. The property is in the One- and Two-Family Housing (R-1) District in the Heights neighborhood of Jersey City.

The present application proposes demolishing the existing building to construct a new 3-story, mixed-use building with ground floor commercial space, and two residential units on the upper floors. The proposed Unit # 1 will be located on the ground floor and will provide 1,070.63 square feet of commercial space. Unit # 2 will be located on the second floor and will include three bedrooms and two bathrooms. Unit # 3 will be located on the third floor and will include three bedrooms and two bathrooms. The roof will include 442.194 square feet of roof deck area, a mechanical area, HVAC, and 192 square feet of green roof area.

D(1) Use Variance: The Applicant is seeking approval for a mixed-use development with one commercial space and two dwelling units, where mixed-use buildings are not permitted in the R-1 zone. Pursuant to N.J.S.A. 40:55D-70.d.(1) the Zoning Board of Adjustments has jurisdiction to grant use variances *in particular cases and for special reasons*. Under Medici v. BPR Co. 107 NJ 1 (1987), the positive criteria require that such an application establish that the proposed use will promote the general welfare, the property is “particularly suited” to accommodate the proposed use, and the proposed use can be reconciled with the Zoning Ordinance.

The proposed property is particularly suited for a mixed-use development as there is an existing commercial space that was in operation as a dressmaking and alterations business. The excess lot width of 30 feet where 25 feet is standard in the R-1 zone is well suited for a commercial space as it provides a sizable store-front while maintaining enough room for separate residential and commercial entrances.

The mixed-use development will be in character with the surrounding area, as the property is approximately 0.1 miles from the commercial corridor on Central Avenue. Furthermore, there are mixed-use developments across the street at 115 Bowers Street and at 111 Bowers Street with ground-floor commercial space and two dwelling units on the upper floors. A second commercial space is located across the street at 117 Bowers Street.

The proposed use will promote the general welfare by providing two new residential units and one commercial space for the benefit of residents in this area. The project will improve the streetscape through replacing the old storefront with a new building and façade. The project will further improve the streetscape by providing a new street tree where there are none currently.

The proposed use can be reconciled with the zoning ordinance as it is compliant in terms of height and in the density of the residential units. As discussed above, the development is in character with the surrounding neighborhood where there are multiple commercial and mixed-use buildings.

“C” Bulk Variances:

The requested bulk “c” variances are appropriate pursuant to N.J.S.A. 40:55D-70.c.(1)(a), *where by reason of exceptional narrowness, shallowness or shape of a specific piece of property... the strict application of any regulation pursuant to article 8 of the act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.*

Rear-Yard Setback: A rear-yard setback of 4 feet 7 inches is proposed where 20 feet minimum is required in the R-1 zone. A 0 foot front-yard setback is proposed making the combined front- and rear-yard setback 4 feet 7 inches, where a combined front- and rear-yard setback of 35 feet is required in the R-1 zone. At 50 feet of depth the existing lot is undersized and significantly shallower than a typical lot in the R-1 zone, where 100 feet is standard. The 45’6” of building depth provides the square footage needed for appropriately sized dwelling units. The front-setback of 0 feet matched the primary front-setback of the adjacent properties. Thereby meeting the required 35 foot combine front- and rear-yard setback would allow for a building only 15 feet deep.

Side-Yard Setback: A side-yard setback of 2 feet for any one side and 5.1 feet combined for both sides is required in the R-1 zone, while a 0 foot side-yard setback is proposed for the west side and 0 feet combined is proposed. The proposed deviation is justified by the undersized area of the lot. At 1,500 square feet the lot area is significantly smaller than the standard 2,500 square feet of area in the R-1. The side-yard setback variance is required to provide adequate habitable space. The existing building currently provides 0 foot

side-yard setbacks. There are no windows on the west side of 112 Bowers that would be impacted by a 0 foot setback. Additionally, the existing building at 118 Bowers is built to the lot line and provides a 0 foot side yard setback, therefore not side yard setback is required on that side pursuant to §345-40(E)(6) of the Ordinance.

Lot Coverage: 100% lot coverage is proposed, where 85% of lot coverage is permitted in the R-1 zone. One street tree is proposed in front of the property, and 192 square feet of green roof is proposed to mitigate any effects of stormwater.

Building Coverage: 90.92% of building coverage is proposed, where a 60% building coverage is permitted. The variance is also triggered by the undersized nature of the lot. In this case, the 30.92% deviation equates to approximately 463.8 square feet.

The project will advance the purposes of the Municipal Land Use Law and promote the general welfare. The project will maintain adequate building setbacks and which will offer adequate light, air, and open space to surrounding properties in accordance with N.J.S.A. 40:55D-2.c. The proposed project will further promote a desirable environment through creative development techniques in accordance with N.J.S.A. 40:55D-2.i. through improvements to the building façade and the installation of a new street tree.

The project likewise promotes the objective of the Jersey City Master Plan to provide unique, attractive, and high-quality residential areas that would serve existing residents and attract new residents with a wide range of housing and life-style choices.

Granting the requested variances will not result in a substantial detriment to the public good and the general welfare. The project includes a new street tree to mitigate any stormwater effects.

Granting the requested variances will likewise not result in a substantial detriment to the intent and purpose of the zone plan and zoning ordinance. The proposed 3-story, 3-unit mixed-use building is compliant in terms of both height and density for the R-1 District.

The requested variances necessary for the proposed project can be granted in that strict adherence to the regulations would result in peculiar and exceptional practical difficulties to a developer 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 hearing.