

APPLICATION FOR BOARD ACTION Planning Board _____
DCP FORM #00, PAGE 1 of 5
(Revised March 14, 1988) Zoning Board _____

Application # _____
Date Filed _____
Received by _____
Hearing Date _____
Final Hearing _____

APPLICATION FOR BOARD HEARING

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APPLICATION IS HEREBY MADE FOR:

1. _____ Appeal of Administrative Action Pursuant to Section C.40:55-70a (Attach Form #01)
2. _____ Appeal for Interpretation Pursuant to Section C.40:55D-70b (Attach Form #02)
3. XXX Application for Hearing (Attach Form #00)
4. XX _____ Relief from Zoning Requirements Pursuant to Section C.40:55D-70c (Attach Form #03)
5. _____ Use Variance Pursuant to Section C.40:55D-70d (Attach Form #04)
6. _____ Conditional Use Authorization Pursuant to Section C.40:55D-67 (Attach Form #05)
7. _____ Approval of Subdivision (Attach Form #06)
8. _____ Final Approval of Major Subdivision (Attach Form #07)
9. _____ Preliminary Approval of Site Plan (Attach Form #08)
10. _____ Final Approval of Site Plan (Attach Form #09)
11. _____ Direction to Issue a Building Permit Pursuant to Section 602 or 604 of the Elizabeth Development Control Ordinance
12. XXX Hearing Application Checklist (Attach Form #18)

NOTE: IF AN APPLICATION FOR DEVELOPMENT HAS BEEN SUBMITTED FOR THIS PROPERTY WITHIN THE LAST TEN YEARS, PLEASE PROVIDE THE FOLLOWING INFORMATION:

DATE OF APPLICATION

TYPE OF DEVELOPMENT

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APPLICATION FOR BOARD HEARING (con't)

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PROJECT'S GENERAL INFORMATION

PROPERTY:

Address; **801 South Street**
Owner (s): **Juan Heredia**
Address (es): **1122 Hampton Place, Elizabeth, NJ**

Date of Purchase: **02-16-2007** Property Tax Account #: **Block: 6; Lot: 1207**

APPLICANT:

Name: **same as Owner**
Address
Contact Person
Telephone () -

PROPOSED OWNERSHIP STATUS*:

Proprietorship _____ Partnership _____ Corporation _____
Lessee _____ Contingent Purchaser _____
Other XXX (Explain): **personal**

PROJECT'S ATTORNEY:

Name: **Stephen Hehl** Telephone: **908-687-7000**
Firm: **Javerbaum Wurgaft, et al**
Address: **370 Chestnut Street, Union, NJ 07083**

PROJECT'S ARCHITECT:

Name: **Martha Brazoban, AIA** Telephone: **908-316-5337**
Firm: **M.B. Architectural Design and Consulting, LLC**
Address: **570 No. Broad St. Suite 15, Elizabeth, NJ 07208**

New Jersey License #: **21AC0010920**

PROJECT'S ENGINEER: N.A.

Name Telephone () -
Firm
Address
New Jersey License #

PROJECT'S LAND SURVEYOR:

Name: **Martin A. Grant** Telephone: **609-655-5778**
Firm: **Martin A. Grant Surveying, Inc.**
Address: **239 Prospect Plains Road, Monroe, NJ 08831**
New Jersey License #: **GS35365**

*Note: If the applicant is not the proprietor, then the applicant is required to submit a letter signed by the property owner, authorizing the filling and processing of this application (attach Form #13). Corporations and partnerships must attach Form #14. **CORPORATIONS MUST BE REPRESENTED BY AN ATTORNEY.**

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APPLICATION FOR BOARD HEARING (cont'd)

PHYSICAL DEVELOPMENT INTENT

Property Description

Address: **801 South Street**
 Owner (s): **Juan Heredia**

Property Tax Account # **Block: 6; Lot: 1207**
 Lot Area: **7,100± sf**

Zoning **R-2**
 Tract Area: **7,100±sq. ft.**

<u>FRONTAGE:</u>	<u>STREET</u>	<u>LINEAR FEET</u>
	South Street	33.29'
_____	_____	_____
_____	_____	_____

STRUCTURES:

<u>Proposed</u>	<u>INTENT*</u>	<u>STORIES</u>	<u>CONSTRUCTION TYPE</u>	<u>USE**</u>	<u>FLOOR AREA (Sq. Ft.)</u>	<u>EFF. UNITS</u>	<u># OF BR / UNIT</u>				
							<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Lot A	<u>B</u>	<u>1</u>	<u>111A</u>	<u>R</u>	<u>909SF</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Lot B	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	

*Note: Definition of Intent
 A: Addition to Existing
 B: New Construction
 C: Existing to Remain
 D: To Be Demolished

**Note: Definition of Use Type
 R: Residential
 C: Commercial
 W: Warehousing
 M: Manufacturing
 A: Accessory
 I: Institutional
 O: Office

BUILDING LOTS (Please complete if property is to be subdivided): **N.A.**

<u>Proposed</u>	<u>LOT AREA (Sq. Ft.)</u>	<u>LOT FRONTAGE (Sq. Ft.)</u>
Lot # <u>A</u>	_____	_____
Lot # <u>B</u>	_____	_____
_____	_____	_____
_____	_____	_____

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APPLICATION FOR BOARD HEARING (con't)

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N.A.

CERTIFICATION FOR EXEMPTION FROM SITE PLAN APPROVAL (Please complete for projects other than one or two family residence):

~~NOT APPLICABLE FOR TWO FAMILY HOUSES~~

YES — NO

1. _____ Will the development require conditional use authorization?
2. _____ Will the project involve a use requiring screening?
3. _____ Does the lot width exceed 80 feet and will there be a change of use from one Schedule II Category to another?
4. _____ Will the building construction or reconstruction cover more than 300 square feet?
5. _____ Will the lot have 5 or more parking stalls and will stalls, aisles or driveways be established, altered or eliminated?
6. _____ Will the development involve the removal of soil exceeding 1 foot in depth?
7. _____ Will 5,000 square feet or more of residential open space be provided?

Note: A Yes response to one or more of the above questions indicates the need for a site plan review or, a certification from the City Engineer, City Planner and Zoning Administrator that improvements meet the criteria for exemption from site plan hearing requirements.

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Present Use Category: **two-family**
Principal Use (s): **same**
Major Accessory Use (s): **existing garage to be demolished; new two-car garage to be constructed**

Proposed Use Category: **same**
Principal Use (s) **same**
Major Accessory Use (s) **see above**
USE:

Describe the PRESENT USE of the property including both indoor and outdoor activities:

Two-family-residential with one-car garage

Describe the PROPOSED USE of the property including both indoor and outdoor activities:

Two-family-residential with two-car garage

REQUIRED ATTACHMENTS:

- | | <u>YES</u> | <u>NO</u> | |
|----|------------|------------|---|
| 1. | _____ | <u>XXX</u> | Is a new public street right-of-way propose? If yes, please attach description. |
| 2. | _____ | <u>XXX</u> | Are off-tract facilities proposed? If yes, please attach description. |
| 3. | _____ | <u>XXX</u> | Are there any deed restrictions which affect the subject property in effect or contemplated? If yes, please attach description. |
| 4. | _____ | <u>XXX</u> | Is the subject property located in "A" Flood Hazard Area? If yes, please attach copy of necessary permit or waiver. |
| 5. | _____ | <u>XXX</u> | Is the subject property within 500 feet of a tidal water body? If yes, please attach a copy of the necessary permit or waiver. |

I hereby depose and say that all the statements contained in these papers submitted herewith are true and correct. I also authorize City Officials and Board members to have physical access to the property and any structures on the property as necessary for the purpose of gathering information relevant to this application.

NOTARY PUBLIC
DATE: 8/24/2020

APPLICANT'S SIGNATURE
DATE: 8/24/2020

STAMP OF STEPHEN R. HEHL
Attorney at Law of New Jersey

FORM #03
 APPEAL FOR RELIEF
 OM ZONING REQUIREMENTS
 Revised (3/25/83)

Application # _____
 Date Filed: _____
 Filing Fee: _____
 Received By: _____

Appeal is hereby made, pursuant to Section C.40:55D-70c of the New Jersey Municipal Land Use Law, for permission to vary requirements of the zoning article of the Development Control Ordinance of the City of Elizabeth as follows:

<u>SECTION</u>	<u>REQUIREMENTS</u>	<u>RELIEF REQUESTED</u>
<u>17.36.110-C.1a</u>	Accessory Bldg-Resid 434 SF permitted 33% of Prin. Bldg	909 SF proposed
<u>17.36.110-C2</u>	Maximum Height (accessory structure) 10' permitted	12' proposed
<u>17.36.110-F</u>	Maximum Impervious Lot Coverage 60% permitted	65% proposed

Arguments must be submitted in support of the requested relief. On a separate sheet, for each variance requested, explain fully how the physical characteristics of the property in question prevents compliance with the strict application of the code requirements creating an undue hardship for the applicant.

See attached Statement of Principal Points

Public Hearing Notification Information:

Notice shall be given by the applicant at least ten (10) days prior to the date of the hearing to the following parties where applicable. Notice shall be by personal service or certified mail. An affidavit of proof of service demonstrating compliance with this requirement shall be filed with the City agency holding the hearing at least two (2) days prior to the date of the hearing.

	Yes	No
a) Is the subject property located with two hundred feet (200') of any municipal boundary? If yes, City Clerk of adjacent municipality and County Planning Board shall be notified of hearing by Applicant. (Note 1)	_____	NO
b) Is the subject property adjacent to an existing or proposed county road or adjoining other County land? If yes, County Planning board shall be notified of Hearing by applicant (Note 1)	_____	NO
c) If the subject property adjacent to a State highway? If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note 2)	_____	NO

THE APPLICANT SHALL NOTIFY ALL OWNERS OF PROPERTY LOCATED IN THE STATE AND WITHIN TWO HUNDRED FEET (200') IN ALL DIRECTIONS OF PROPERTY IN QUESTION. _____

d.	Disclosure Information	Yes	No
	Is applicant and/or owner of corporation or partnership And does the application involve variances to construct A multiple dwelling of 25 or more family dwellings? If Yes, submit disclosure of all stockholders holding 10% Or more stock or partners within 10% or greater interest In the partnership pursuant to N.J.S.A. 40:55D-48.1 et Seq. (Form #14)	_____	NO

NOTES:

“1” Union County Planning board, Attn: Union County Department of Engineering and Planning,
Union County Administration Building, Elizabethtown Plaza, Elizabeth, N.J. 07207

“2” New Jersey Department of Transportation, 1035 Parkway Avenue, PO Box 101, Trenton, N.J.
08625

**SUPPLEMENTAL INFORMATION
SITE PLAN APPLICATION
PLANNING BOARD OF ELIZABETH**

JUAN HEREDIA ("Applicant")

**801 South Street
Block: 6; Lot: 1207 ("Property")**

Submitted: September 11, 2020

I. Statement in Support of Application:

The Applicant obtained title to the Property by deed dated February 16, 2007. The Property includes a one-car garage, which Applicant desires to remove and replace with a two-car garage. The two-family use is permitted, and Applicant wants to provide a garage space for each of the units.

The subject application involves a request for bulk variance approvals in connection with the construction of the two-car garage, as set forth on the Zoning Chart below:

APPLICATION:	FILE #					
ADDRESS:	801 SOUTH STREET ELIZABETH, NEW JERSEY 07201					
BLOCK:	6					
TAX MAP LOT:	1207					
ZONE:	R-2 RESIDENTIAL TWO FAMILY					
EXISTING USE:	TWO FAMILY HOUSE					
PROPOSED USE:	TWO FAMILY HOUSE					
ZONING ANALYSIS FOR ACCESSORY BUILDING						
REGULATION	REQUIRED/PERMITTED	EXISTING	PROPOSED	CODE COMPLIANCE		
				YES	NO	REMARK
RESIDENTIAL ACCESSORY 33% OF PRINCIPAL BUILDING 1,314 SQ. FT.	434 SQ. FT.	377 SQ. FT.	909 SQ. FT.		NO	VARIANCE
MINIMUM REAR YARD SETBACK	3'-0"	3'-0"	3'-0"	YES		
MINIMUM SIDE RIGHT YARD	3'-0"	13'-2"	3'-0"	YES		
MINIMUM SIDE LEFT YARD	3'-0"	3'-0"	3'-0"	YES		
MAXIMUM HEIGHT	10'	10'-0"	12'-0"		NO	VARIANCE
MINIMUM IMPERVIOUS LOT COVER	60%	52%	65%		NO	VARIANCE
VOLUME	4,340 Cu Ft.	4,340 Cu Ft.	8,622 Cu Ft.		NO	

The Applicant's requested relief is minor in nature and relates only to the size of the garage building being constructed, and the amenities being provided for the tenants of the subject property. In addition to the new garage, Applicant is planning to extend the existing gravel driveway, as the location of the new garage allows to Applicant to utilize more of the lot and provide additional amenities for the tenants, including installation of a recreation area and to increase the landscaping and buffers on the Property.

The testimony to be offered at the hearing on this Application will demonstrate the variances requested can be granted without substantial detriment to the public good and without substantial impairment to the intent of the City's Master Plan. For these reasons, the Applicant respectfully requests the approval of this Application.

II. Zoning Considerations:

This application should be approved based upon the information contained in the application, the testimony offered at the hearing and for the following reasons:

1. *The benefits of the requested relief outweigh any detriments.*
2. *The proposed Application is consistent with the intent and purposes of the Master Plan and Land Development Ordinance of City of Elizabeth.*
3. *This application can be granted without substantial detriment to the neighboring properties or to the public good.*
4. *Granting this Application will not impair the intent and purposes of the Zone Plan and Land Development Ordinance of the City of Elizabeth.*
5. *There will be no negative impact on the free flow of traffic in the community.*

Respectfully submitted,
Javerbaum Wurgaft
Stephen H. Hehl, Esq.
Attorney for Applicant, Juan Heredia