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MEMO TO: City of Bayonne Zoning Board

FROM: Malvika Apte, PP/AICP 
Consulting City Planner

DATE: July 22, 2022

RE: Ramy Eshak
Bulk and Supplemental Zoning Variance Relief
Planning Report # 1
Block 350, Lot 5
76 Humphrey Avenue
Bayonne, New Jersey
Our File: PBYZ0350.01
Application # Z-22-005

As per your request, our office has reviewed the above referenced application. The following documents were reviewed:

1. Application Form;
2. Narrative Statement of Applicant for Parking Variance;
3. Denial of permit letter prepared by City of Bayonne Zoning Officer dated June 17, 2020;
4. Official tax record prepared by the City of Bayonne Tax Department dated April 13, 2022;
5. Unofficial copy of Deed for the subject property dated April 27, 2018 and recorded by the Hudson County Clerk on May 30, 2018;
6. One (1) sheet of "Survey of Property Tax Lot 5 – Block 350 76 Humphrey Avenue City of Bayonne Hudson County, New Jersey", prepared by Schmidt Surveying, dated November 18, 2019;
7. Two sheets (2) of plot plan entitled "76 Humphrey Avenue Bayonne, NJ Lot: 5 Block: 350 Proposed New Front Carport to an Existing Two Family Dwelling", prepared by Artek Studio, LLC, dated May 26, 2020.

We offer the following comments for the Board's consideration:



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1. Summary of Application:

The Applicant, Ramy Eshak, is seeking zoning variance relief related to the subject property, identified as Block 350, Lot 5 in the City Tax Maps. This property is an interior lot of 3,410 square feet with an address of 76 Humphrey Avenue, on a block between West 3rd Street to the south and West 4th Street to the north. The property is currently fully developed with a 2.5-story frame dwelling used as a two-family dwelling. According to the submitted survey, the property includes an open porch and landscape bed in the front of the house, a wood deck and paver walkway in the rear, and a large concrete pad near the rear property line.

This Applicant seeks variance relief to allow for the removal of the landscape bed and the construction of a 12'2" wide by 16'3" long concrete parking stall. The existing brick piers and porch structure are proposed to remain, meaning that the parking stall will be partially covered by the existing porch. A new 10 feet wide depressed curb cut is also proposed to allow vehicular access to the parking stall. A trench drain with connection to the main storm sewer line is proposed to be placed under the parking stall. No other site improvements are proposed with this application.

The application was granted conditional completeness on May 17, 2022.

2. Zoning and Bulk Variances:

(a) Use: The subject property is located in the R-2 Detached/Attached Residential District, in which detached single-family dwellings are a permitted use. The existing use is therefore permitted.

(b) Bulk regulations: The following table provides the requirements for detached double-family residence in the R2 Zone and compares the existing development and proposed development.

R-2 Detached/Attached Residential District			
	Detached Two-Family (Interior Lot)	Existing	Proposed
Min. Lot Area (sq. ft.)	3,000	3,410	3,410
Min. Lot Frontage (ft.)	30	28.03	28.03 (E)
Min. Lot Width (ft.)	30	28.03	28.03 (E)
Min. Lot Depth (ft.)	100	122.7	122.7



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R-2 Detached/Attached Residential District			
	Detached Two-Family (Interior Lot)	Existing	Proposed
Min. Front Yard Setback (ft.)	20	16.5	16.5 (E)
Min. Rear Yard Setback (ft.)	20	69.7	69.7
Min. Single Side Yard Setback (ft.)	3	0.9	0.9 (E)
Min. Combined Side Yard Setback (ft.)	6	6.04	6.04
Max. Principal Building Height (sty. / ft.)	2.5 / 35	2.5 / 34.4	2.5 / 34.4
Max. Accessory Building Height (sty. / ft.)	1.5 / 15	N/A	N/A
Maximum lot coverage*	70%	72.5%	75% (V)

(V) Variance

(E) Pre-existing non-conformity

- i) There are four existing non-conforming bulk conditions related to the subject property itself (minimum lot frontage and minimum lot width) and the principal building (minimum front yard setback and minimum single side yard setback). None of these conditions will be exacerbated by the proposed improvements.
- ii) The impervious lot coverage will be increasing by about 86 square feet due to the loss of the landscape bed and construction of the parking stall. While the impervious coverage, as measured from the property survey submitted with the application, is already non-conforming (2,471 square feet of coverage or 72.5%), this increase of coverage (to 2,557 square feet or 75.0%) requires a variance.

(c) Parking Requirements:

- i) The subject property as currently developed does not provide any off-street parking. The present proposal will provide one (1) parking space. Applicant must confirm the number of bedrooms in the dwelling in order to determine the required number of spaces from the standards at §35-17.6.b. ***If the number of bedrooms is greater than one, a variance will be required for off-street parking, as two bedrooms require 1.25 spaces and three bedrooms require 1.5 spaces.***



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- ii) Per **§35-17.5.a**, the minimum depth for a parking stall on a single-family dwelling property that precludes the minimum stall depth of 20 feet shall be 16.5 feet, provided that no vehicle parked in the stall will encroach into the right-of-way. The existing layout of the site prevents a full-sized stall of 20 feet deep, which allows the lower 16.5 foot depth to regulate the development. However, the stall depth only reaches 16 feet 3 inches (or 16.25 feet) on the subject property, and any vehicle parked in the stall will more than likely encroach on the right-of-way. ***As such, a variance is required.***

- (d) **Safety**: The safety of this design should also be discussed. While other porches over parking stalls exist near the subject property, these porches provide more distance between the ground and the porch. In the proposed development, a clearance of no greater than 4.5 feet is provided. Would it be more suitable to simply eliminate the porch?

If you should have any questions with regard to the above matter, please do not hesitate to call.

cc: Alicia Losonczy, Planning/Zoning Board of Adjustment Administrator
Richard N. Campisano, Esq., Board Attorney
Robert J Russo, PE, PP, CME, City Engineer
Tracey Tuohy, Zoning Officer
Suzanne Mack PP, AICP, City Planner
Paul N. Weeks, Esq. Applicant's Attorney