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**TO:** City of Orange Township Zoning Board of Adjustment  
**FROM:** Gerard Haizel, PP, AICP, Board Planner  
**RE:** 220 North Center Street (Block 901, Lot 12)  
**DATE:** May 16, 2023

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The following is prepared on behalf of the City of Orange, Zoning Board of Adjustment. The information provided herein is for advisory purposes only and is intended to assist the Board's decision-making process. Below are descriptions of the project based on the supplied plans and documentation as well as commentary on issues evident from them.

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### Items Reviewed

In preparation of this report, I have reviewed the following documents:

- ✓ City of Orange Township – Application for Preliminary and Final Site Plan Review dated March 27, 2023.
- ✓ Plans titled Proposed Renovation 220 North Center Street, Orange, NJ, consisting of seven (7) sheets, dated 2-17-2023, with revisions dated 3-21-2023 and 4-27-2023 prepared by Chris Teeter, RA.

### Project Summary

On property located within the Township's *R-2 (Urban One & Two -Family Residential) Zone*, the applicant **Latoya Bernard**, proposes to renovate and convert an existing one-family dwelling to a two-family dwelling. Two-family dwellings **are a permitted use** in the R-2 zone. However, the existing structure does not meet all the bulk and design standards for this building type. Site plan approval is **not required** for this application.

### Required Variances/Waivers

- Pursuant to the City of Orange Development Regulations *§210-24.3 – Two-Family Dwellings*, a maximum 17.5-du/acre is permitted, and the applicant proposes a density of 27.96-du/acre. **A C-variance is required to permit a greater density than permitted.**



- Pursuant to the City of Orange Development Regulations **§210-24.3 – Two-Family Dwellings**, a minimum lot area of 5,000-SF is required, and the applicant proposes a lot area of 3,117-SF. **A C-variance is required to permit a lesser lot area than required. This is an existing non-conforming condition.**
- Pursuant to the City of Orange Development Regulations **§210-24.3 – Two-Family Dwellings**, a minimum lot width of 40-feet is required, and the applicant proposes a lot width of 30.11-feet. **A C-variance is required to permit a lesser lot width than required. This is an existing non-conforming condition.**
- Pursuant to the City of Orange Development Regulations **§210-24.3 – Two-Family Dwellings**, a minimum front yard setback of 20-feet is required, and the applicant proposes a front yard setback of 16-feet. **A C-variance is required to permit a lesser front yard setback than required. This is an existing non-conforming condition.**
- Pursuant to the City of Orange Development Regulations **§210-24.3 – Two-Family Dwellings**, a minimum side yard setback of 8-feet (on each side) is required, and the applicant proposes side yard setbacks of 1.6-feet on the northern side and 2.3-feet on the southern side. **C-variances are required to permit lesser side yard setbacks than required. This is an existing non-conforming condition.**
- Pursuant to the City of Orange Zoning Ordinance **§210-29.1 – Parking Requirements**, a minimum of 1 parking space is required for each ½ dwelling unit. The applicant proposes two (2) dwelling units, requiring four (4) off-street parking spaces, and the applicant proposes no off-street parking. **A C-variance is required to permit fewer off-street parking spaces than required.**

### Project Description

The subject site is a 3,117-SF lot, which is improved with an existing 2½-story, one-family dwelling. The applicant proposes to renovate the interior of the existing one-family dwelling and convert it to a two-family dwelling. Unit #1 will include three (3) bedrooms and be located on the 1<sup>st</sup> floor and unit #2 will be located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors and will include four (4) bedrooms.

The proposed scope of work will include the expansion of the existing attic from a 2.5-story to a 2.75-story (3-story). The existing footprint of the building will remain as is.

The existing building is setback 16-feet from the front (western) property line, 44.36-feet from the rear (eastern) property line and 1.6-feet and 2.3-feet respectively from the northern and southern side property lines.



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**220 North Center Street  
Block 901, Lot 12**

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The entry to the house will be reconfigured as part of the proposed conversion to a two-family dwelling. The existing single front entry door will be replaced by two (2) separate doors. The door to the right will access unit #1, located on the 1<sup>st</sup> floor. Plans show most of the existing walls on this floor being demolished and the layout reconfigured.

The entry door to the unit #1 will open to a proposed living room, with a kitchen located directly behind. To the north of the kitchen is a proposed 11.75-foot by 8.2-foot bedroom.

Beyond the kitchen is a proposed hallway which will extend eastward. On the northern side of the hallway is proposed a second bedroom, which will measure 8.2-foot by 13.5-foot. On the opposite side of the hallway is proposed a full bathroom and a third bedroom measuring 10.9-feet by 7.5-feet.

There is an existing enclosed porch located at the southeastern corner of the 1<sup>st</sup> floor, which will be enclosed and incorporated into the 1<sup>st</sup> floor layout.

The unit #2, located on the 2<sup>nd</sup> floor, will be accessed from the entry door on the left at the front of the house. This door will open to two steps up to a landing with a staircase up to the upper floor on the left and a staircase down to the basement located on the right. The plans do not provide any details about the layout of a basement.

The entry to unit #2 will be located at the top of the staircase on the 2<sup>nd</sup> floor. To the right (west) of the entry stairs will be two (2) bedrooms, the dimensions of which are not provided. To the left (east) of the entry stairs is a proposed living area, opposite to which is a proposed full bathroom. To the east of the living area is a kitchen, located at the rear of the apartment.

Directly opposite the entry stairs is a staircase which extends up to the 3<sup>rd</sup> floor. On the 3<sup>rd</sup> floor are proposed two (2) bedrooms. The first is located at the front of the floor, while the second is located at the rear. The second bedroom will include a full bathroom. Once again, dimensions are not provided for either of these bedrooms.

#### Exterior Finishes

- The exterior of the building will be repainted as required and the existing chimney demolished down to the foundation.

#### Landscaping

- No information provided.

#### Lighting

- No information provided.

### Site & Area Description

**Street Address:** 220 North Center Street  
**Block & Lot:** Block 901, Lot 12  
**Zoning District:** R-2 (Urban One & Two -Family Residential) Zone  
**Total Site Area:** 3,117-Sqare Feet

### Location Map



**Location Map** – The property in question is outlined in red on the Google aerial map above. The subject site is located on the eastern side of North Center Street, between Park Avenue and Washington Street. North Center Street is a one-way north to south thoroughfare. Surrounding the site on all sides are primarily one and two-family dwellings.

Photo Survey



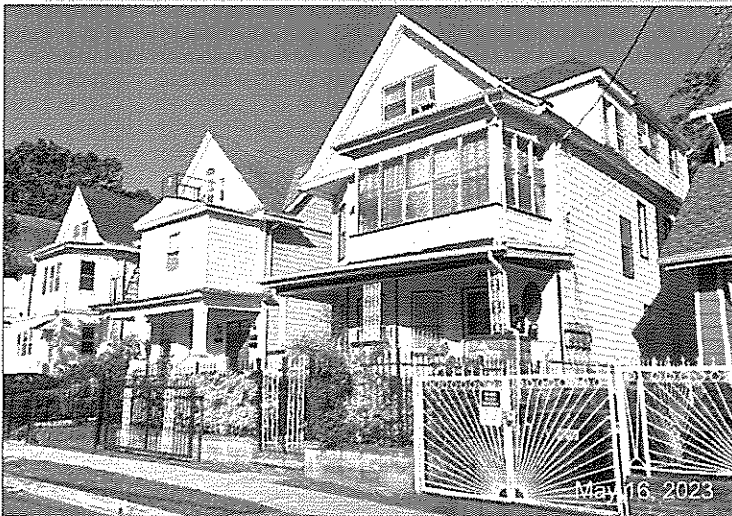
**Photo #1:** View of the subject property located at 220 North Center Street. The applicant proposes to renovate and convert this one-family dwelling to a two-family dwelling.



**Photo #2:** View of the detached dwelling located to the north of the subject site, fronting on the eastern side of North Center Street.



**Photo #3:** View of the detached dwelling located to the south of the subject site, fronting on the eastern side of North Center Street.



**Photo #4:** View of the properties located to the west, across North Center Street from the subject site.



**Photo #5:** View looking south on North Center Street, towards Park Avenue.



## Planning Considerations

The subject property is located within the Township's **R-2 (One and Two-Family Residential Zone)**. This zone is intended primarily for single-family detached residential, at a higher density than the R-1 Zone, and two-family residential. The R-2 zone encompasses areas in the northern part of the City, north of Park Avenue and adjacent to the area west of the R-1 Zone on the northern side of Scotland Road.

Pursuant to the City of Orange Development Regulations **§210-14 – R-2 (One and Two-Family Residential Zone)**, the proposed two-family dwelling **is permitted** in the R-2 zone.

The table below has been created to identify bulk deficiencies.

Standard	Permitted/Required	Existing	Proposed	Variance Required
Use	One & Two-Family Dwellings	One-Family Dwelling	Two-Family Dwelling	No
Building Type	Urban One-Family Detached & Two Family	Urban One-Family	Two-Family	No
Min. Lot Area	5,000-SF	3,117-SF	3,117-SF	Yes*
Min. Lot Width	40-Feet	30.11-Feet	30.11-Feet	Yes*
Density	17.5-du/acre	13.98-du/acre	27.96-du/acre	Yes
Maximum Height	3-Stories / 40-Feet	2-Stories / 35-Feet	2.75-Stories / 35-Feet	No / No
Minimum Front Yard Setback	20-Feet	16-Feet	16-Feet	Yes*
Minimum Side Yard Setback (Each Side)	8-Feet	North Side: 1.6-Feet South Side: 2.3-Feet	North Side: 1.6-Feet South Side: 2.3-Feet	Yes* Yes*
Minimum Rear Yard Setback	25-Feet	44.36-Feet	44.36-Feet	Yes*
Max. Building Coverage	40%	39.8%	39.8%	No
Max. Impervious Coverage	75%	42.2%	42.2%	No
Floor Area Ratio (FAR)	1.00	0.88	0.88	No
Minimum Parking	4-Spaces [1 Space Per ½-du]	0-Spaces	0-Spaces	Yes

**Note:** \* - Existing Nonconforming Condition



## Standards for Granting Variance Relief

### D – (Use) Variances

The MLUL (Municipal Land Use Law) at N.J.S.A. §40:55D-70d sets forth the standards for variances from the regulations pursuant to Article 8 of this act. A D-Variance is warranted to permit:

- 1) a use or principal structure in a district restricted against such use or principle structure,
- 2) the expansion of a nonconforming use,
- 3) deviation from a specification or standard pertaining solely to a conditional use,
- 4) an increase in the permitted floor area ratio,
- 5) an increase in the permitted density (*except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots either isolated undersized lot or lots resulting from minor subdivision*) or
- 6) a height of a principal structure which exceeds by 10 feet or 10%, the maximum height in the district for a principal structure.

A D-variance may be granted where the applicant shows to the satisfaction of the Board, that “*special reasons*” exist to warrant the granting of the variance. *Special reasons* may include that the use is inherently beneficial, that the property owner would suffer undue hardship if required to use the property in accordance with the permitted uses and standards for the zone, or that the site is particularly suited for the proposed use and thereby promotes the general welfare.

The applicant must also demonstrate that the requested relief will not result in any substantial detriment to the public good, nor substantial impairment to the zoning ordinance or zone plan. A variance under this subsection is granted only by affirmative votes of at least five members.

### C - (Bulk) Variances

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance.

C(1) Variance - The Board must find that there is either undue hardship or practical hardship with the strict application of the zoning requirements as stipulated in the Zoning & Land Use Regulations, as a result of:

- a) exceptional narrowness, shallowness or shape of a specific property, or
- b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or
- c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

C(2) Variance – The Board must find that the proposed deviation from the Zoning & Land Use Regulations will advance the purposes of the MLUL and that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment and that the variance will not substantially impair the intent an purpose of the zone plan and zoning ordinance. The benefits identified in granting a C(2) variance must include benefits to the community as a whole, not only the applicant of the property owner. Here too, the Board must be satisfied that the variance can be granted “*without substantial detriment to the public good*” and “*without substantial impairment to the intent and purpose of the zone plan and zoning ordinance*” of the City.





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## Planning Comments

The applicant proposes to renovate and convert an existing one-family dwelling to a two-family dwelling. Two-family dwellings **are a permitted use** in the R-2 zone. However, the existing structure does not meet all the bulk and design standards for this building type.

The subject site is undersized for the proposed two-family dwelling building type. Whereas a minimum lot area of 5,000-SF and lot width of 40-feet is required, the subject site is 3,117-SF with a width of 35-feet. This is an **existing nonconforming condition**, which would exist whether the applicant undertook the conversion from a one-family dwelling to a two-family. **The applicant is not able to remedy this condition, as the properties on either side to the north and south are already fully developed.**

Additionally, **it should also be noted here that the subject property is also undersized for the urban one-family detached dwelling that it currently contains.**

The subject lot being undersized also triggers a density variance. Whereas a maximum density of 17.5-dwelling units per acre is permitted, the applicant proposes a density of 27.96-dwelling units per acre. **This is as a direct result of the subject property being undersized. Had the subject site been the minimum 5,000-SF or greater, the density would have been the requisite 17.5-du/acre or lower.**

The Board should keep in mind that **the two-family use is permitted in the R-2 zone and, in this situation, it is the lot on which the dwelling is located that is under the minimum size required size of 5,000-SF.** The Board should also keep in mind that **the applicant does not propose to increase the footprint of the building beyond what it now is. The only "expansion" that is proposed is to the attic (3<sup>rd</sup> floor) which will be dormered to allow for more usable space.**

It should be noted here that the density for the property **as it now stands**, with an urban one-family dwelling on it, **also exceeds the maximum permitted density for that building type.**

The subject site being undersized also triggers other variance conditions, related to the structure on the site. These includes the following:

- **Insufficient Front Yard Setback** – Whereas a minimum front yard setback of 20-feet is required, the subject house is setback 16-feet from the front property line. **This too is an existing nonconforming condition, which is not being worsened by the proposed conversion from a one-family to a two-family use.** The proposed conversion will not include changing of the building footprint in any way so **the existing setbacks on all frontages will remain as they currently are.**



Despite being less than the required 20-foot required setback, the front yard setback is consistent with the setbacks on the adjoining properties to the north and south of the site.

- Insufficient Side Yard Setbacks – Whereas a minimum side yard setback of 8-feet is required on each side of the structure, the subject property is setback 1.6-feet and 2.3-feet from the northern and southern side yards respectively. **This again is an existing nonconforming condition, which is not being worsened by the proposed conversion to a two-family use.**

Finally, the proposed development will also require a variance for insufficient off-street parking. One (1) parking space is required for every ½-dwelling unit, and **the applicant proposes two (2) dwelling units requiring a total of four (4) parking spaces and no-off street parking is proposed.** This is an existing condition, as the subject site does not currently have on-site parking, nor is it able to accommodate any. **However, with the proposed addition of a second dwelling unit on the site, the applicant is worsening the current situation.**

The applicant does not provide any detail about proposed landscaping on the site. **The applicant should provide testimony detailing any landscaping proposed for the site.**

### Recommended Conditions of Approval

Should the Board be inclined to grant the requested variance relief in full or in part, or to approve the accompanying site plan, the following are recommended conditions that should be placed on the approvals.

1. The applicant shall comply with all conditions provided by the Board Engineering.
2. The applicant shall provide testimony detailing any landscaping proposed for the site.

STATE OF NEW JERSEY  
COUNTY OF ESSEX

IN THE MATTER OF A LEGAL  
NOTICE OF PUBLIC ZONING  
HEARING

NO. 10612105

PROOF OF PUBLICATION

State of NEW JERSEY  
County of ESSEX

Jeanette Rundquist, being first duly sworn, deposes and says:

That she/he is a WRITER for THE STAR LEDGER-NJ, a daily newspaper regularly issued, published and circulated in the city(ies) of NEWARK/ ORANGE/EAST ORANGE/ MIDDLESEX/ ETC and that the advertisement, a true copy of which is attached, was continuously published in the THE STAR LEDGER- NJ, for a period of 2 insertions from the period of 5/3/2023 to 5/10/2023 on the following days:

Wednesday 5/3/2023

Wednesday 5/10/2023

Signed: Jeanette Rundquist

Subscribed and sworn to before me this the  
17<sup>th</sup> day of May, 2023.

Aesha Diggs  
Notary Public

AESHA DIGGS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DI6354505  
Qualified in Kings County  
My Commission Expires 02-13-2024

NOTICE OF PUBLIC HEARING

THE ZONING BOARD OF ADJUSTMENT, CITY OF ORANGE,  
NEW JERSEY PUBLIC HEARING WILL BE HELD ON MAY 22,  
2023 AT 7PM.

PROPERTY AFFECTED: 220 NORTH CENTER STREET  
ORANGE, NJ 07050  
BLOCK NO 901 LOT NO 12

NATURE OF APPLICATION

APPLICANT IS SEEKING TO CONVERT FROM SINGLE TO 2-  
FAMILY DWELLING. PROPERTY IS IN R2 ZONE SO MULTI-  
FAMILY USE IS ALLOWED. HOWEVER, IN ORDER TO  
ADHERE TO LOCAL ORDINANCES, THE FOLLOWING  
VARIANCES ARE BEING REQUESTED:

1. DENSITY USE VARIANCE proposed density of 20 is greater than the maximum allowable density of 17.5
2. LOT AREA VARIANCE lot area of 3,112 square feet is less than the minimum lot area of 5,000 square feet
3. Side Yard Setback (N) side yard setback of 1.6 feet is less than the minimum allowable side yard setback of 8 feet
4. PARKING VARIANCE The proposed 0 off street parking spaces is less than the minimum required off street parking spaces of 4

NAME OF APPLICANT: MODEL MANE'S BEAUTY SALON LLC  
C/O LATOYA BERNARD

5/10/23 \$41.25