



To: Parties Seeking Variances in the R-5 Zone
within the Village Neighborhood Association

From: Village Neighborhood Association Board of Directors

Date: March 23, 2018

Re: R-5 Zoning Variance Requests

To Whom It May Concern:

The purpose of this memorandum is to set forth the position of the Village Neighborhood Association (“VNA”) for any potential variance sought in the R-5 zone.

The VNA is a volunteer organization of dedicated local residents, committed to empowering Village residents by providing a forum for the exchange of information and ideas, and to bettering the quality of life for all residents of The Village and Jersey City through communication and action.

Starting in approximately 2014, the VNA began to see an influx of variance applications for development in the former R-1 Zone which permitted up to 3 stories and 1 or 2 family homes. Over the subsequent years, due to the developmental boom in downtown Jersey City, this led to numerous contentious variance applications pitting developer against community and placing enormous burdens on the VNA to review and subsequently appear in front of the Zoning Board of Adjustment on numerous variance applications. In turn, in the VNA’s opinion and certainly by appearances, variance approvals led to what is referred to as “spot zoning” which is prohibited at law.

In an effort to address the influx of variances and the incumbent burdens they brought on all involved, the VNA participated in a lengthy process led by Jersey City’s Planning Department to update the previous R-1 Zone. That process included open dialogue between the community, the City and developers/investors. The process included compromises by all stakeholders involved with the goal to reach a fair resolution taking into account the various interests. The result was the R-5 Zone. Notably, the VNA made it’s position clear at the time that the R-5 was not going to be the new starting point from which variances would be sought but rather must serve as the governing parameters which should be strictly adhered to and enforced.



Specifically, we refer you to the “R-5 Low Rise Residential” Zone regulations which explicitly state, among other things, that:

“Purpose: The purpose of this district is to provide development regulations contextual to the existing **predominantly two-to four- story multifamily** neighborhood with occasional retail venues. Moreover, **the intent of the zoning regulations are to protect the historically low-rise nature of the neighborhood from inappropriate infill such as: buildings greater than four (4) stories”** (emphasis added).

Accordingly, **the VNA vehemently believes that NO VARIANCES should be granted in the R-5 zone** except in the rarest of cases where exceptional hardship, or exceptional community benefit, can be proven. In addition, given the perceived precedent setting nature of development in our City, we believe that a strict adherence to the current zoning is required in all but the most extraordinary cases.

In the event you believe you meet those rare and exceptional circumstances, the Village Neighborhood Association requests that any variance sought by a property owner be brought to the VNA Development Committee for review and potential presentation at the VNA monthly meeting. It is also our position that **NO VARIANCE application within the Village should be considered without first presenting to, and getting a response from, the VNA.**

The VNA Board of Directors