



TOWNSHIP OF WEST ORANGE

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Department of Planning and Development

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ROSE DESENA
Zoning Board Secretary

TO: Zoning Board Members

FROM: Paul Grygiel, AICP, PP, Planning Director

DATE: July 8, 2021

RE: **ZB-21-15 – Hutton Park Professional Building, Inc.**
Block: 78.01; Lot: 1; Zone: OB-1
7 Hutton Avenue
Seeking “d” and “c” variances to convert portion of office building to residential use

INTRODUCTION

The applicant is requesting approvals to renovate an existing building and convert the use of a portion of the building to residential use. A “d(1)” use variance is required to permit the proposed mix of uses on the property. A “c” variance is also required for parking.

LAND USE/CIRCULATION

The subject property consists of a single irregularly shaped lot with an area of 14,425.75 square feet (0.33 acres). The site has over 250 feet of frontage on Hutton Avenue and has variable depth. The subject property is developed with a 2 ½-story frame building currently occupied by offices. Parking lots accessed by separate driveways are located to the east and west of the building. Site photographs taken on May 24, 2021 are included at the end of this memorandum.



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The property is located on the south side of Hutton Avenue to the west of its intersection with Northfield Avenue. A mix of land uses is located in the surrounding area, including residential, commercial and educational. Office buildings, a bank and a childcare center are among the nearby nonresidential uses, while a garden apartment complex is located to the north and other residential uses are in the vicinity.

There is no sidewalk along the site's frontage. A sidewalk is located on the north side of Hutton Avenue, which connects to a sidewalk on Northfield Avenue. Hutton Avenue is a two-lane street with two-way traffic. There are no signs on Hutton Avenue indicating parking restrictions on this street. Bus stops are located on both sides of Northfield Avenue a short distance from Hutton Avenue.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Site Plan (3 sheets)	Anthony Marucci, PE, PLS, PP	3/2/21
Architectural Plans (5 sheets)	Tomasz Bona, RA	4/17/21
Planning Report	Anthony Marucci, PE, PLS, PP	7/2/21

VARIANCES REQUIRED

<i>"d(1)" Variance</i>			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-7.1 Permitted Use	One-family detached dwelling, office building, various other uses	Office building	Mixed-use building with office and residential
25-8.12 Multiple principal uses on a single lot	Not permitted in OB-1 zone	One principal use	Two principal uses

<i>"c" Variance</i>			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-12.2 b.1. Minimum number of parking spaces	13	11	11

PROPOSED DEVELOPMENT

The applicant is seeking preliminary and final major site plan approval and variances for modifications to an existing office building. The proposal is to convert the second and third



floors of the building from office to residential, while the first floor would continue to be utilized for office use. Two one-bedroom apartments are proposed on the second floor and one one-bedroom apartment is proposed on the third floor. There are two existing entrances to the building that are proposed to remain: one off a porch facing Hutton Avenue and one to the parking lot on the west side of the building. A ramp is proposed to be added to provide an accessible route to the Hutton Avenue entrance.

Slight modifications are proposed to the existing parking area on the west side of the building. It will be restriped to provide one handicap parking space. A total of 11 parking spaces will continue to be provided on the site, inclusive of three existing spaces which will remain in the lot to the east of the building. No new landscaping is proposed on the site plan.

DISCUSSION/RECOMMENDATIONS

Mixed-use developments are only permitted in the B-1 and B-2 Districts as a conditional use. The applicant has requested a “d(1)” use variance to permit a mixed-use development, and multiple principal uses on a single lot, on the subject property in the OB-1 District. The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d(1) enables a board of adjustment to grant a variance for a use or principal structure not permitted in the zoning district. A “d” variance may be granted only “in particular cases for special reasons.” In addition, an applicant for a “d” variance must address the “negative criteria,” and affirmatively demonstrate 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 municipality.

The application also requires a “c” variance for the minimum number of parking spaces. The MLUL at N.J.S.A 40:55D-70c permits a board of adjustment to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a “d” variance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just the applicant or property owner. A “c” variance applicant also must address the “negative criteria,” and affirmatively demonstrate 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 municipality.

There is an existing garage in the southwest corner of the parking lot that is proposed to remain. There is no typical garage door to provide access to this garage, only a regular door (see the last site photo below). The restriping of the parking lot will result in a parking space being moved up



against the garage, which will block access to this door. The applicant should discuss the existing and proposed usage of this garage and how it will be accessed.

The architectural plans indicate a “new sidewalk ramp” will be added in front of the landing at the rear (parking lot) entrance to the building. However, the site plan does not show this ramp. Testimony should be provided as to which plan is correct, and the plans should be updated accordingly.

The building elevations on Sheet Z5 of the architectural plans are labeled with the incorrect directions and should be corrected.





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