

**APPLICATION FOR USE VARIANCE AND RELATED VARIANCES
LYNDHURST BOARD OF ADJUSTMENT
TOWNSHIP OF LYNDHURST**

BLOCK NO: 76
LOT NO.: 3
AMOUNT FEE:
FEE PAID:

Property Location: 442 Valley Brook Avenue
Block: 76 Lots: 3

TO THE LYNDHURST PLANNING BOARD

An application is hereby made for a use variance from the terms of the Lyndhurst Zoning Ordinance and preliminary site plan approval so as to permit: the enclosure of the loading dock area (approximately 481.45 sq. ft.) to the rear building and relocation of the entrance door and garage door at the premises known as 442 Valley Brook Avenue which property is located in the B Zone. Applicant seeks a Use Variance for the expansion of a non-conforming use, variance for existing rear yard setback, existing maximum building coverage, parking and any other variance as required by the Board.

DESCRIPTION OF PROPOSED STRUCTURE OR USE (SEE SITE PLAN)

Size of Lot: 9000 sq. ft.

Size of Building(s) See site plan drawings.

Present length: see site plan drawings, proposed length: see site plan drawings, present width: see site plan drawings, proposed width: see site plan drawings. Percentage of lot occupied by building present 71.54%; proposed 76.89%, Height of building(s) 35 feet – 3 stories.

Zoning requirements: frontage 0 feet, side yard 10 feet, and rear yard setback 10 feet.

“Prevailing set-back” of adjoining buildings within one block 20 feet.

Proposed use: Enclosure of the loading dock area (approximately 481.45 sq. ft.) and relocation of the entrance door and garage door to the rear structure.

Owner /Applicant: AJacks Properties2, LLC

Address: 595 New York Avenue, Lyndhurst, New Jersey 07071

Present Use: Mixed use property consisting of four apartments, the Thistle Restaurant and vacant commercial rear structure.

What are the EXCEPTIONAL conditions of property preventing applicant from complying with Zoning Ordinance?

The property known as 442 Valley Brook Avenue presently consists of a mixed use consisting of four apartments, the Thistle Restaurant and a vacant commercial rear structure.

The property is located within the B Zone. Applicant shall rely upon the testimony of Vicente Varela Jr., Architect and the Client that as the result of the size and shape of the lot and the location of the structures, the enclosure of the loading dock area (approximately 481.45 sq. ft.) and the relocation of the entrance door and garage door do not have a detrimental effect upon the adjoining property owners.

What reasons would applicant cite as SPECIAL reasons for the granting of this variance?

The application would not have any adverse effect upon the adjoining property owners and would not impair the established character of the property in the neighborhood. The plan complies with the objectives of the Lyndhurst Zoning Board Zoning Ordinance. The expansion of the non-conforming use by the enclosure of the loading dock area (approximately 481.45 sq. ft.) and relocation of the entrance door and garage door will not have a detrimental effect upon the adjoining property owners and is an improvement to the area and surrounding properties and is beneficial to the community.

Applicant has filed plans of the property and to demonstrate its appearance and compliance with the zoning requirements and that the enclosure of the loading dock area would not violate any zoning requirements for light, air or open space.

Supply a statement of facts showing why relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zone ordinance.

The application would not have any adverse effect upon the adjoining property owners and would not impair the character of the property or the neighborhood. The application attempts to comply with the zoning requirements, and the applicant's testimony from the engineer and planner will satisfy both the positive and negative criteria required by the statute.

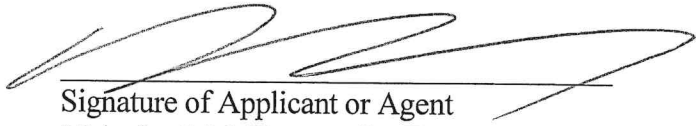
If any additional relief is requested, please state:

The names and addresses of all those owning 10% or more of a corporation or partnership must be listed when the application is for one of the following:

1. Commercial use variance: _____
2. Variance of 25 units or more; _____
3. Subdivision of 3 units or more; _____

ATTACHED hereto and made a part of this application are the following:

- (A) Copy of survey.
- (B) Copy of plans.
- (C) Copy of any conditional contract or agreement related to this application.
- (D) Any other papers deemed necessary by the Zoning Administrator



Signature of Applicant or Agent
Malcolm J. McPherson, Jr., Esq.

PO Box 206

20 Park Avenue, Suite 2B

Lyndhurst, New Jersey 07071

201 939-0011

Attorney for AJacks Properties2, LLC