

RESOLUTION OF THE CITY OF CAMDEN ZONING BOARD OF ADJUSTMENT
APPLICANT: VICTOR ABREU
25 NORTH 23RD STREET
BLOCK 1148, LOTS 9, 12, 13, 14, 23, & 25
CITY OF CAMDEN, NEW JERSEY
Use Variance Approvals
DATE OF ACTION: JUNE 5, 2017

WHEREAS, the Applicant, Victor Abreu (the "Applicant"), has filed an application for use variance approvals associated with the proposed use of the development of a group of buildings for a mixed use and off-street parking including 9 commercial spaces and 156 new residential apartments to be located at 25 North 23rd Street, Camden, New Jersey (the "Property"); and

WHEREAS, the Applicant is requesting use variance approval for multiple principal uses on the same lot as well as a use variance for the height of the proposed construction; and

WHEREAS, the Property is located in the R-2 and C-1 Zoning Districts; and

WHEREAS, the application was heard by the City of Camden Zoning Board of Adjustment on May 1, 2017 where the Applicant voluntarily adjourned its Application to June 5, 2017 at which time the Application was heard; and

WHEREAS, public notice of the hearing was provided in accordance with the requirements of Municipal Land Use Law, N.J.S.A. 40:55D-12; and

WHEREAS, the Applicant is requesting a use variance for multiple uses on the same lot, principally, commercial, residential and off-street parking. The Applicant also seeks a use variance for the proposed height of the buildings. The application does not fully meet the criteria established in the Land Development Ordinance for as listed below:

1. Multiple Principal Uses. Applicant proposes to erect buildings that contain off-street parking, commercial spaces and residential apartments.

2. Height. Applicant proposes a building height of eighty-three (83) feet where a maximum height of thirty-five (35) feet is allowed in an R-2 Zone and a maximum of forty-five (45) feet is allowed in a C-1 Zone.

WHEREAS, in support of the application, the Applicant has submitted the following:

1. Photographs of the Property and parking.
2. Zoning Plans including elevations, aerial photographs, floor plans and maps.
3. Color coded tax map.

WHEREAS, the Zoning Board made its decision in this matter based on the documentation and exhibits set forth above, the testimony of the Applicant made at the time of the hearing.

WHEREAS, based upon the above, the Board finds as follows:

1. The Applicant was represented by Christopher Costa, Esquire of Kenny, Chase and Costa who appeared and presented testimony of the Applicant, an architect, El Donaldo F. Vid Al (the "Architect"), and a professional planner, Allen Schectel (the "Planner") in support of the application for use variances.

2. The Architect testified that the project will include 156 high quality apartments divided between two towers that will be separated by parking and an atrium. The Architect testified that the project will be easily accessible to public transportation and that the project will include an underground garage and parking on the ground level under an atrium for a total of 165 parking spaces. The Architect testified that each of the towers will include commercial spaces on the ground floor and that there will be community spaces as well. The Architect further testified that between the two (2) towers will be a landscaped area akin to a park.

3. The Planner testified that the Property is 1.24 acres in size consisting of five (5) lots and containing an old brick factory. The Planner further testified that across from the Property is an elementary school that is sixty (60) feet in height. The Planner further testified that the Property is also adjacent to residential properties, commercial properties and a church. Based upon the Property's proximity to the school, the Planner testified that the location is particularly suitable for the proposed use, which helps to soften the view. The Planner testified that the Property is particularly suitable for the proposed use as the Property is located 100 feet from Federal Street where the Property will be accessible from public transportation and is within close proximity to multiple healthcare clinics, schools and other services. The Planner testified that replacement of the old factory is a special reason for granting the requested use variance as it the new construction will be more secure from fire as it will have a state of the art sprinkler system. The Planner also testified that the proposed project will provide light and space due to the atrium and garden that will be between the two (2) towers. The Planner testified that due to the nature of the neighborhood where the Property is located, the mixed use is suited as there are both commercial and residential properties adjacent to the Property. The Planner testified that the height of the building will not have a large impact on the community due to its proximity to the school which is also a tall building and due to its location between two (2) major thoroughfares.

4. The Applicant testified that that he is seeking to change the community for the better. The Applicant is seeking to attract business people to live in Camden and improve the community with people who will actively live and support Camden. The Applicant testified that he wants to bring quality housing to the city.

5. The application was opened to the public and public comment was received as more specifically set forth on the record.

6. The Zoning Board accepted the testimony and analysis of the Applicant and his professionals that the Property is suitable for the proposed uses. In addition, the Board has found that based upon the testimony proffered in favor of the Application, that based upon the make of the community including both residential and commercial uses, that the proposed uses fits in the zone plan and would carry out the purpose of zoning as the additional proposed use will be a benefit to the community. As such, the proposal of the Applicant will serve the public good and the intent of the zone plan. Based upon the testimony proffered in support of the Application, the Board finds that although the proposed height of the building exceeds that which is allowed in the applicable zones, the proposed height allows for additional quality housing for the community and does not impair the public good or the intent of the zone plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Camden Zoning Board of Adjustment that the application for use variance approval for two principal (2) uses on the same lot and bulk variance approval for waiver of off-street parking requirements, setback requirements and lot size requirements, is herewith GRANTED by a vote of five (5) in favor and one (1) opposed for the reasons set forth on the record and in this Resolution, subject to the following terms and conditions:

1. The Applicant will be required to seek site plan approval from the Planning Board.

2. All agreements and/or representations made by the Applicant as set forth at the hearing in this matter or as contained in this Resolution must be fully satisfied by the Applicant.

3. All the initial findings of fact, conclusions and conditions as set forth in the "WHEREAS" recital paragraphs of this Resolution and in paragraphs 1 through 6 as set forth above are hereby incorporated by reference herein as further findings of fact and conditions as applicable.

4. The Applicant will be required to obtain all other governmental permits, licenses and approvals deemed necessary.

5. A copy of this Resolution be forwarded to the Zoning Officer, City Planning and Zoning Officer, Fire Marshall, Licenses and Inspections, Planning Board and all other interested parties.

6. Pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Resolution shall be forwarded to the State Commissioner of Community Affairs who shall have ten (10) days from receipt thereof to veto this Resolution. Notices of veto shall be filed in the Office of the Municipal Clerk.

7. The Applicant must submit a certification that all taxes on the property have been paid to date, if applicable.

8. Any and all conditions as made part of this approval, including those noted by reference in any reports of the consultants or as set forth in this Resolution must be satisfied by the Applicant.

I hereby certify that this is a True Copy of the Resolution adopted by the City of Camden Zoning Board of Adjustment on the 17th day of July, 2017.


DANI ANNISE, Secretary