SUPPLEMENTAL INFORMATION
SITE PLAN AND VARIANCE
APPLICATION

ELIZABETH, NJ
ZONING BOARD OF ADJUSTMENT

* * *

Mr. Pollo Rotisserie & Bakery, LLC
d/b/a The Garden Restaurant
(“Applicant”)  

* * *

331-337 Morris Avenue
Block: 11; Lot: 677 (“Property”)

A. Zoning & Variance Information:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>REQUIRED/ALLOWABLE</th>
<th>EXISTING</th>
<th>PROPOSED</th>
<th>ORDNANCE REF.</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Commercial, General and Specialty Retail</td>
<td>Pharmacy/Restaurant “The Garden”</td>
<td>Pharmacy/Restaurant “The Garden” with enclosed outdoor dining area</td>
<td>17.30.150-Exh IE</td>
<td>NO CHANGE</td>
</tr>
<tr>
<td>Lot Area</td>
<td>66,810 sf</td>
<td>53,572.9 sf</td>
<td>15,572.9 sf</td>
<td>17.30.150-Exh IE</td>
<td>C</td>
</tr>
<tr>
<td>Lot Width</td>
<td>100 ft</td>
<td>100 ft</td>
<td>100 ft</td>
<td>17.30.150-Exh IE</td>
<td>C</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>111.1 ft</td>
<td>111.1 ft</td>
<td>111.1 ft</td>
<td>17.30.150-Exh IE</td>
<td>C</td>
</tr>
<tr>
<td>Reserved Coverage (Buildings and improvements)</td>
<td>100 percent</td>
<td>104 percent</td>
<td>109 percent</td>
<td>17.30.150-Exh IE</td>
<td>C</td>
</tr>
<tr>
<td>Principal Building Height</td>
<td>35 feet</td>
<td>1 story/20 feet</td>
<td>24.7 feet</td>
<td>17.30.150-Exh IE</td>
<td>C</td>
</tr>
<tr>
<td>Front Yard</td>
<td>0.16 feet - prevailing</td>
<td>24.7 feet</td>
<td>0 ft</td>
<td>17.30.150-Exh IE</td>
<td>V</td>
</tr>
<tr>
<td>Side Yard</td>
<td>3 feet - prevailing</td>
<td>13.95 feet</td>
<td>0 ft</td>
<td>17.30.150-Exh IE</td>
<td>V</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>43.9 feet - prevailing</td>
<td>30.29 feet</td>
<td>0 ft</td>
<td>17.30.150-Exh IE</td>
<td>V</td>
</tr>
<tr>
<td>Required Parking</td>
<td>1 space per 399 sf</td>
<td>1 space for every 2 employees plus 1 space per 4 servers</td>
<td>See note 2</td>
<td>6 spaces (see note 3)</td>
<td>17.40.6.20</td>
</tr>
</tbody>
</table>

Notes:
1. Proposed property envelope does not include the landscaping计划ter the width of the existing rear parking area.
2. Existing parking area prior to enclosure in the outdoor dining area was not within the line of site of the proposed addition. The area enclosed approximately 4 - 5 parking spaces historically on the property using google earth aerial imagery.
3. Proposed parking spaces were held with the building officials conducted on our behalf in April 2021.

B. Statement in Support of Application for Site Plan with Bulk Variances.

Proposal

The Applicant desires to complete interior renovations and construct an enclosed outdoor dining area in the existing parking lot and alleyway. This statement is offered in support of the Applicant’s request for Site Plan approval, to continue the current restaurant use, operating as “The Garden Restaurant” with continuation of an existing Use and one existing...
Bulk Variance, plus the granting of two new Bulk Variances, from the provisions of the City’s Land Development Code (“LDC”). The Property is located at 331-337 Morris Avenue, Elizabeth, NJ, on Lot 677 in Block: 11 (the “Property”), which is located in the C-5 Zone District (“C-5 Zone”) and is owned by 333 Morris Avenue, LLC, which consented to this Application.

Applicant completed the changes to improve the use of the Property in response to the Covid Health Emergency with the only change to the existing site configuration on the Property being the loss of 8 or 9 parking spaces. Applicant requests a waiver from any LDC, or other, requirement to submit storm water detention calculations and sanitary sewer system impact assessment, as the improvements are interior renovations, and constructed on existing impervious areas of the Property, so lot coverage is unaffected by the improvements being made. The restaurant use is not permitted in the C-5 Zone, but the site is particularly suited to the current and proposed use(s) as the restaurant use has existed for several years. The Applicant seeks continuation of the existing Use Variance (§17.36.150-Sched IE), which is being expanded, and the Bulk Variance for Rear Yard Setback (§17.36.150-Sched IE), the deficiency of which is being increased, and the following new Bulk Variances: Number of Parking Spaces (§17.40.020) and Front Yard Setback (§17.36.150-Sched IE).

Benefits

The proposal benefits the City, surrounding environs, and the residents of Elizabeth, by providing an established and popular restaurant with an improved ability to serve its customers and the neighborhood. Additional benefits to be provided on testimony.

Detriments

The proposal presents no detriment to the public good, the zoning ordinance or zone plan. The restaurant use is not permitted in the C-5 Zone. Although being expanded, the use is not being changed by the Applicant, and is particularly suited to the present location. Therefore, there will be no negative impact on the Property or neighborhood. The Applicant will provide expert testimony that the proposal is of significant benefit to the neighborhood, and that these benefits outweigh any detriments.

Conclusion

By way of summary, the existing variances, as set forth in the Zoning & Variance Information above, should be approved or continued. The Applicant will produce expert testimony that: (1) for the Use Variance, (2) the benefits of continuing the existing variances outweigh any detriments; (3) the proposal will not create any substantial detriment to
neighboring properties or the public good; and (4) will not substantially impair the zoning ordinance or the zone plan.

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For these reasons and those Applicant’s experts will provide at the hearing, the Zoning Board should approve the proposed variances.

Respectfully submitted
Hehl Offices at Javerbaum Wurgaft
Attorney for Applicant