

**SUPPLEMENTAL INFORMATION
SITE PLAN AND VARIANCE
APPLICATION**

**ELIZABETH, NJ
ZONING BOARD OF ADJUSTMENT**

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

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**331-337 Morris Avenue
Block: 11; Lot: 677 ("Property")**

A. Zoning & Variance Information:

ZONING ANALYSIS - TAX ACCOUNT #11-677 - 331-337 MORRIS AVENUE					
ITEM	REQUIRED/ALLOWABLE: C-5 COMMERCIAL	EXISTING	PROPOSED	ORDINANCE REF.	COMPLIANCE
Use	Commercial, General and Specialty Retail	Pharmacy/Restaurant "The Garden"	Pharmacy/Restaurant "The Garden" with enclosed outdoor dining area	17.36.150-Sch IE	NO CHANGE
Lot Area	6000 sf	13,572.3 sf	13,572.3 sf	17.36.150-Sch IE	C
Lot Width	40 feet	100 ft	100 ft	17.36.150-Sch IE	C
Lot Depth	150 feet	111 ft	111 ft	17.36.150-Sch IE	C
Impervious Coverage (buildings and impervious)	100 percent	100 percent	100 percent (see note 1)	17.36.150-Sch IE	C
Principal Building Height	35 feet	1 story/20 feet	no change to principle structure/match existing with outdoor dining enclosure	17.36.150-Sch IE	C
Front Yard	6.10 feet - prevailing	34.7 feet	0 ft to proposed outdoor dining enclosure no change to principle structure	17.36.150-Sch IE	V
Side Yard	0 feet - prevailing	15.85 feet	0 ft to proposed outdoor dining enclosure no change to principle structure	17.36.150-Sch IE	C
Rear Yard	45.10 feet - prevailing	30.20 feet	0 ft to proposed outdoor dining enclosure no change to principle structure	17.36.150-Sch IE	V
Required Parking	Retail 1 space per 300 sf Restaurant 1 space for every 2 employees plus 1 space per 4 seats	See note 2	6 spaces (see note 3)	17.40.020	V
Notes:					
1. Proposed impervious coverage does not include the landscape planters that will sit atop the existing asphalt parking area.					
2. Existing parking count prior to erection of the outdoor dining enclosure was not visible at the time of our site inspection. We counted approximately 14-15 parking spaces historically on the property using google earth historical aerial images.					
3. Proposed parking count is as per field observation conducted by our office 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