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March 23, 2020

Board Secretary
City of Clifton
Board of Adjustment
900 Clifton Avenue, 2nd FL
Clifton, NJ 07013

RE: *Applicant: Mohammed and Wafa Othman*
Property: 825 Allwood Road
Block 66.01, Lots 22, 24

Dear Sir/Madam:

Please be advised that my office represents Mohammed and Wafa Othman in connection with a Development Application being filed with the Clifton Zoning Board of Adjustment pertaining to the premises known as 825 Allwood Road. Kindly accept this letter as a descriptive statement of the application.

Mr. and Mrs. Othman, who are long-time Clifton residents, acquired the subject property in or about 2001. The property is comprised of two lots located near the intersection of Allwood Road and Hepburn Road, in the R-A3 zone district. The lot which fronts on Allwood Road (Block 66.01, Lot 22) is an irregular-shaped parcel approximating 57.24 ft. at the front and widening to 81.97 ft. at the rear, with depths ranging from 72.36 ft. on the easterly side to 131.26 ft. on the westerly side. The lot is currently improved with a 1 1/2 story framed office building. The rear portion of the lot contains parking for 8 vehicles, and is accessed by a driveway which traverses the westerly side of the property. The lot fronting on Hepburn Road (Block 66.01, Lot 24), which adjoins Lot 22 to the rear, is unimproved with the exception of a small one-story masonry building which is used for storage. Lot 24 is trapezoidal-shaped, ranging in width from 79.56 ft. to 81.97 ft., and in depth from 60.99 ft. to 85.24 ft. Combined, the two lots form an L-shaped parcel having a total area of 13,190 sq. ft..

The applicants acquired the lots in 2001. At the time, Lot 22 was occupied as a two-family residence. After acquiring the property, Mr. and Mrs. Othman made application to the Clifton Board of Adjustment to convert the residence to a 2,500 square-foot office building. The application was granted, and Mrs. Othman thereafter used the property as her Remax real estate

office for the next 12 years. In 2013, Mrs. Othman sold the business to another Remax agency, which leased the property for approximately five years. However, in August, 2018, the Remax tenant left the building in order to downsize its business. Since then, the Othmans have diligently attempted to rent the property as an office to another tenant. These attempts have included advertising the property on the Multiple Listing Service and advertising in local newspapers. However, these attempts have been unsuccessful, and the building has remained vacant for the past 1 1/2 years.

The Othmans propose to demolish the existing office building on Lot 22 and replace it with a two-story multi-family dwelling containing six residential apartments. As part of the application, the small storage building on Lot 24 would also be demolished, and that Lot would be converted to a parking lot containing 12 spaces for use by the occupants of the dwelling. The two lots would be combined into one L-shaped parcel. Access to the site will be via a curb cut onto Hepburn Road. The existing driveway along the westerly side of Lot 22, which provides access to Allwood Road would be eliminated.

The new dwelling on Lot 22 would have a footprint of 38 feet in width by 72 feet in depth, for a total area of 2,736 sq. ft. As set forth in the accompanying Site Plan, the proposal calls for three apartment units to be constructed on each of the two floors. The apartments, which would range in size from 832 to 846 sq. ft., will have two bedrooms, two baths, an eat in kitchen and living/dining area. Access to the building would be provided via a stairway on the easterly side of the building with a walkway leading to the parking area. As set forth in the Site Plan, new 6 ft. tall hedges will be planted along the westerly boundary of the property in order to screen the building on the adjoining property. New and relocated 7 foot tall coniferous trees are also proposed along the easterly side of the property to screen it from the adjoining high tension power line tower.

The proposed dwelling will conform with all height, coverage and setback requirements of the R-B3 zone district, with the exception of the rear yard setback. Pursuant to the zone ordinance, a rear setback of 45 ft. is required, whereas due to the irregular configuration of Lot 22, only 32.61 ft. exist. However, this will be attenuated by plantings along the westerly and southerly sides of the property. The only other variances needed are for lot width and lot depth for existing Lot 22. However, these are existing deficiencies which result from the irregular shape of the lot, and are beyond the control of the applicants.

In order to obtain approval for the project, the Othmans will also require reverse subdivision approval to merge Lots 22 and 24, as well as a use variance. The use variance stems from the fact that multi-family dwellings are not permitted in the R-A3 district, which authorizes only single family dwellings. However, the existing use of Lot 22 as an office is also a prohibited use. The proposal to eliminate this use and replace it with a multi-family dwelling would make the property more compatible with the residential zone. In addition, the applicants will present proof at the hearing that this site is particularly well-suited for multi-family use as opposed to a single-family dwelling. This is due to the fact that there is a garden apartment complex and a condominium complex located in the immediate vicinity of the property along Allwood Road, as

well as a small office building, Jewish chapel and a bank. The applicants' proposal is consistent with these uses. Further, the granting of the application will improve the overall appearance of the site and restore the property to functional utility. For all of these reasons, it is submitted that the Othmans' variance application should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Douglas J. Kinz', written in a cursive style.

Douglas J. Kinz

DJK/bc

Enc.

cc: Mohammed and Wafa Othman

CITY OF CLIFTON
Planning Board & Zoning Board of Adjustment
900 Clifton Avenue, 2nd Floor, Clifton, New Jersey 07013
TEL: (973) 470-5809 FAX: (973) 470-0617

APPLICATION FOR PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT
TO BE COMPLETED BY THE APPLICANT

DATE: MARCH 25, 2020

BOARD OF ADJUSTMENT (Zoning Board) APPEAL # _____

PLANNING BOARD

Site Location (Address & Nearest Intersection): 825 ALLWOOD ROAD

Block(s): 66.01 Lot(s): 22, 24

1. Name of Applicant: MOHAMMED & WAFIA OTHMAN

Address: 27 TAMBOER AVE. CLIFTON, NJ

Telephone: 973-202-9313

Email: wafaothman09@yahoo.com

Relation to Owner (if not same as Owner): _____

2. Name of Owner (If different than Applicant): N/A

Address: _____

Telephone: _____

Email: _____

Relation to Owner (if not same as Owner): _____

3. Entity Status of Applicant:

Sole Proprietor Partnership Corporation S Corporation

Limited Liability Company Other (please specify): INDIVIDUAL

4. If the applicant is a corporation or partnership, please attach a list of names and addresses

of persons having a 10% interest or more in the corporation or partnership.
CORPORATIONS/PARTNERSHIPS MUST BE REPRESENTED BY AN ATTORNEY-AT-LAW LICENSED IN THE STATE OF NEW JERSEY

N/A

5. Name of Architect (if applicable): VICENTE VARELA, JR. AIA
Address: 584 MAIN AVE PASSAIC, N.J.
Telephone: 973-960-6124
Email: Vicente@Arquitectura-Varela.com

6. Name of Attorney (if applicable): DOUGLAS J. KINZ, Esq
Address: 356 LAFAYETTE AVE. HAWTHORNE, N.J.
Telephone: 973-636-0600
Email: djkinzlaw@gmail.com

7. Name of Engineer (if applicable): _____
Address: _____
Telephone: _____
Email: _____

8. Name of Professional Planner (if applicable): MICHAEL ROMANIK, P.P.
Address: 291 CROOKS AVE. PATERSON NJ
Telephone: 973-684-8975
Email: _____

9. Has this property been the subject of a previous hearing before the Board of Adjustment (Zoning Board) or Planning Board?
Yes No If "yes" provide details IN OR ABOUT 2001,
THE APPLICANTS OBTAINED SITE PLAN
APPROVAL AND VARIANCES TO CONVERT
LOT 22 FROM A DWELLING TO A
REAL ESTATE OFFICE.

10. Present Use of Property: _____
LOT 22 WAS FORMERLY USED AS A
REAL ESTATE OFFICE BUT HAS BEEN
UNOCCUPIED FOR 1 1/2 YEARS. LOT 24
IS A VACANT LOT EXCEPT FOR A
SMALL STORAGE SHED.

11. Proposed Use of Property: APPLICANTS PROPOSE TO DEMOLISH
THE OFFICE BUILDING ON LOT 22 AND
CONSTRUCT A 6 UNIT MULTI-FAMILY IN ITS
PLACE. ACCESS TO THE SITE WOULD BE
PROVIDED VIA LOT 24 TO THE REAR, WHICH
WOULD BE CONVERTED TO A PARKING AREA.

12. Zoning District(s): R-A3

13. Lot Size (Sq. Ft.): 13,190.32* Lot Size (Acres): .3028

* COMBINED LOTS 22 AND 24

All major subdivision applications and preliminary and final major site plan applications, consisting of one (1) acre or greater, shall be accompanied by a written environmental impact statement, or a waiver must be requested from the applicable Board, which may or may not approve the waiver request.

14. Parcel Positioning: Corner _____ Interior ✓
15. Lot Dimensions: Front 57.24 Rear 92.88
Side (1) 131.26 Side (2) 87.48
16. Existing Building Setbacks:
Front 7.27 Rear 63.01 Side (1) 20.11 Side (2) 12.73
17. ^{PROPOSED} Building Setbacks:
Front 25.0 Rear 32.61 Side (1) 12.0 Side (2) 13.10
18. Type of Application (Check all that Apply):
- Interpretation of Zoning Ordinance/Map
 - Appeal of decision by Administrative Officer
 - Minor Site Plan
 - Major Site Plan
 - Minor Subdivision (REVERSE)
 - Major Subdivision
 - Bulk "C" Variance
 - "D" Variance
19. Type of Appeal/Interpretation Requested (Check all that apply)
- A. Appeals 40:55D-70A - Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning ordinance.
 - B. Interpretations 40:55D-70B - Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance, in accordance with this act.

C-1 Hardship 40:55D-70C (1) - Where:(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;

C-2 Flexible 40:55D-70C(2) where in an application or appeal relating to a specific piece of property the purposes of this act or the purposes of the "Educational Facilities Construction and Financing Act," P.L.2000, c.72 (C.18A:7G-1 et al.), would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act; provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection and provided that no variance from those departures enumerated in subsection d. of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the planning board of a subdivision, site plan or conditional use, in conjunction with which the planning board has power to review a request for a variance pursuant to subsection a. of section 47 of this act;.

D-1 Use Variance 40:55D-70D(1) - In particular cases for special reasons, grant a variance to allow departure from regulations pursuant to article 8 of this act to permit: (1) a use or principal structure in a district restricted against such use or principal structure,

D-2 Expansion of Non-conforming Use 40:55D-70D(2) - An expansion of a non-conforming use.

D-3 Conditional Use 40:55D-70D(3) - Deviation from a specification or standard pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67) pertaining solely to a conditional use.

D-4 Floor Area Ratio 40:55D-70D(4) An increase in the permitted floor area ratio as defined in section 3.1 of P.L. 1975, c291(C.40:55D-4).

- D-5 Density 40:55D-70(5) An increase in the permitted density as defined in section 3.1 of P.L.1975, c291 (C.40:55D-4), except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision.
 - D-6 Height 40:55D-70(6) A height of a principal structure which exceeds by 10 feet or 10% of the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members, in the case of a municipal board, or two-thirds of the full authorized membership, in the case of a regional board, pursuant to article 10 of this act.
20. Please state how such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

THE PROPOSED MULTI-FAMILY USE, ALTHOUGH
NOT PERMITTED IN THE R-AJ ZONE, IS
MORE COMPATIBLE WITH THE ZONE THAN
THE EXISTING OFFICE USE. IN ADDITION,
THE SITE IS PARTICULARLY WELL-SUITED
FOR USE AS A MULTI-FAMILY DWELLING
GIVEN THE NATURE OF OTHER PROPERTIES
IN THE IMMEDIATE VICINITY ALONG
ALLWOOD ROAD, WHICH INCLUDE AN
APARTMENT COMPLEX, A CONDOMINIUM
COMPLEX, BANK, AND HOUSE OF WORSHIP.

21. Are there any deed restrictions that are existing or proposed? Yes No

OWNER & APPLICANT AFFIDAVIT(S)

Being duly sworn, says that they are the applicant or one of the applicants in the above action, and that he application has been filed within the time required by law, and that all of the matters and facts set forth in the foregoing application are true.

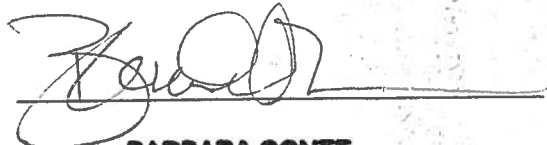


MOHAMMED OTHMAN (Applicant)

STATE OF NEW JERSEY)
COUNTY OF PASSAIC)

SS:

Sworn to and subscribed before me this 24th day of March, 2020.



BARBARA CONTE
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES FEB. 10, 2025

If the applicant is not the owner of the property, have the owner sign below or file with the application a notarized letter signed by the owner/or a letter from the owner's attorney consenting to the application.

The foregoing application is hereby consented to one the _____ day of _____, 2020.

Owner

STATE OF NEW JERSEY)
COUNTY OF PASSAIC)

SS:

Sworn to and subscribed before me this 24th day of March, 2020.

SIGNATURE OF OFFICER ADMINISTERING OATH (Notary)
TITLE OF SUCH OFFICER _____

