

Bond Case Briefs

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ZONING - NEW JERSEY

Jacoby v. Zoning Bd. of Adjustment of Borough of Englewood Cliffs

Superior Court of New Jersey, Appellate Division - October 21, 2015 - A.3d - 2015 WL 6160248

Residents filed separate complaints in lieu of prerogative writs, challenging zoning board of adjustment's site plan approval and variance grants for 143.8-foot tall office building in business zone where maximum permitted height was 35 feet. After consolidation and grant of motions to intervene, the Superior Court affirmed, and residents and intervenors appealed.

The Superior Court, Appellate Division, held that:

- Landowner failed to establish undue hardship warranting variance;
- Board, when considering "special reasons" for variance, was required to consider the main building's effect on the general landscape;
- Board was required to address the historic and scenic importance of the unique location when considering variance;
- Landowner was not entitled to bulk variance from parking requirements on grounds that the physical condition of the property prevented it from conforming to parking requirements; and
- Evidence was sufficient to support grant of bulk zoning variance allowing reduction in required parking spaces on grounds that any harm was substantially outweighed by the benefits.