

March 5, 2020  
*Revised June 9, 2020*

Borough of Bradley Beach  
Zoning Board of Adjustment  
701 Main Street  
Bradley Beach, NJ 07720

**Re: Charette Residence  
Block 79, Lot 15  
400 Monmouth Avenue  
Borough of Bradley Beach  
Our File BBBA 19-15**

Dear Chairman and Board Members:

Our office has received and reviewed an application submitted for Board approval in connection with the above referenced project. Submitted with the application are the following:

- An architectural plan consisting of seven (7) sheets prepared by property owner, Paul Charette, dated October 15, 2019. ~~with no revisions.~~ *The plans have been revised, but no date of the revision is provided on the plan.*
- A survey of property prepared by the property owner which is indicating the proposed improvements, coverage calculations and zoning table.
- A survey of property consisting of one (1) sheet prepared by Michael J. Williams, P.L.S. and P.P., of Michael J. Williams Land Surveying, LLC, dated September 22, 2017, with no revisions.

~~Our office has reviewed the plans to determine if they conform with the requirements of the Borough Ordinance and report as follows:~~

Additional comments with regard to the revised plans are noted in *bold italic type*. Our original review comments remain as noted in the letter dated March 5, 2020. The revised plans have been reviewed and we report as follows:

1. **Project Description**

- A. The property is located at house number 400 Monmouth Avenue (Lot 15, Block 79) with a total of 12,634 square feet.

- B. The existing lot contains a single-family dwelling with a detached garage, and swimming pool.
- C. The Applicant is proposing living space above the detached garage. This is a change in use from a detached garage to a garage apartment.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-family Zone and a single-family dwelling is permitted as a principal use in this zone.
- B. The detached garage and swimming pool are permitted accessory uses.
- C. The proposed improvements require Board approval for *a variance* on use, as garage apartments are not a permitted use on corner lots. ~~The Applicant also requires Board approval for variances for side and rear yard setbacks to the garage apartment, deck for garage apartment, and others as described in this report.~~

3. **Variances and Waivers**

- A. In accordance with Section 450-26.B.(k), garage apartments are not permitted on corner lots. The Applicant is proposing a garage apartment on a corner lot. **A d (1) use variance is required.**

1) **Criteria for Use Variance Relief**

This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(1). Testimony is required to demonstrate that the application satisfies the positive and the negative criteria of the Municipal Land Use Law for the granting of the use variance relief. Consequently, the Applicant must demonstrate the following:

a) Positive Criteria

- (1) *That the site is particularly suited to the use*
- (2) *There are special reasons that allow a departure from the zoning regulations in this particular case.*  
In general, to show special reasons, the granting of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-70d(1)).

b) Negative Criteria

- (1) *That the variance can be granted without substantial detriment to the public good.* This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
- (2) *That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance.* The Applicant needs to provide an enhanced quality of proof that the use variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance.

B. In accordance with Section 450-26.B.(1), garage apartments, the following variances or existing non-conformities are noted below:

- 1) In accordance with Section 450-26.B.(1)(a), the maximum garage floor area (first floor) is 800 square feet. The Applicant is proposing a garage floor area of 600 square feet, which conforms. Our office calculates a garage floor area as 566 square feet, which conforms. The Applicant should provide the garage floor area calculations.
- 2) In accordance with Section 450-26.B.(1)(b), the maximum apartment floor area (second floor) is 600 square feet. The Applicant is proposing a second-floor area of 600 square feet, which conforms. ~~Our office calculates the apartment floor area as 566 square feet, which conforms. The Applicant should provide the apartment floor area calculations.~~
- 3) In accordance with Section 450-26.B.(1)(g), the maximum eave height for a garage apartment is 12 feet. The Applicant did not provide the eave height. Our office scaled the eave height from the south plan elevation, and it is approximately 8.5 feet. The eave height complies.
- 4) In accordance with Section 450-26.B.(1)(h), the minimum number of internal spaces shall be two (2) spaces. The Applicant did not indicate the number of internal spaces. It appears two (2) internal spaces are proposed, which conforms. The Applicant should provide testimony on the internal spaces and the parking space dimensions.

- 5) In accordance with Section 450-26.B(1)(i), a garage apartment is not permitted to have a second-floor porch or balcony. ~~The Applicant is proposing a second floor deck. A variance is required.~~ *The Applicant has removed the variance by removing the second floor deck.*
- C. In accordance with Section 450.26.D, area, yard and building requirements, the following variances or existing non-conformities are noted below:
- 1) In accordance with Section 450-26.D.(1)(j), the minimum off-street parking is two (2) spaces per dwelling. The lot will have two (2) dwellings on the property and requires four (4) off-street parking spaces. It appears the site can accommodate four (4) off-street parking spaces. The Applicant should provide testimony on the conditions of the off-street parking.
  - 2) In accordance with Section 450.26.D.(1)(k), the minimum side yard setback for an accessory structure is 5 feet. The existing side yard setback to the garage is 1.36 feet, which represents an existing non-conformity. *The Applicant has revised the plan to remove the variance for side yard setback.* The proposed second story addition for the living space has a side yard setback of ~~1.36~~ **5.19 feet**, which is an expansion of an existing non-conformity. ~~A variance is required.~~ *conforms.* The Zoning Table should be revised *with the proposed setback to the second floor addition.*
  - 3) In accordance with Section 450.26.D.(1)(l), the minimum rear yard setback for an accessory structure is 5 feet. The existing rear yard setback to the garage is 1.46 feet, which represents an existing non-conformity. *The Applicant has revised the plan to remove the variance for rear yard setback.* The proposed second story addition for the living space has a rear yard setback of ~~1.46~~ **5.29 feet**, which is an expansion of an existing non-conformity *conforms.* ~~A variance is required.~~ The Zoning Table should be revised, *with the proposed setback to the second floor addition.*

#### 4. General Comments

- A. The Applicant should provide testimony on the building separation between the proposed garage apartment and the adjacent properties structures.
- B. The Applicant should provide testimony on the *new* location of the hot water heater for the garage apartment.

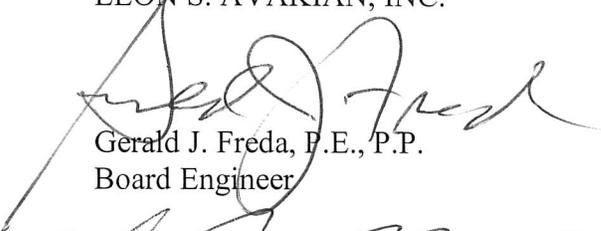
- C. A General Note ~~should be~~ **has been** added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- D. A General Note ~~should be~~ **has been** added to the plan indicating the planting area between the sidewalk and curb ~~must remain~~ **will be** natural grass.
- E. The Applicant should provide information that taxes are currently paid.
- F. The Applicant shall secure any and all construction permits need for the project.

Our office reserves the right to provide additional comments upon receipt of revised plans.

If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Gerald J. Freda, P.E., P.P.  
Board Engineer



Christine Bell, P.P., A.I.C.P., C.F.M.  
Board Planner

DMH:mfl

cc: Kristie Dickert, Board Secretary  
Mark Kitrick, Esq., Board Attorney  
Jeffery P. Beekman, Esq., Applicant's Attorney  
Paul and Kim Charette, Applicant

BB/BA/19/19-15c