

March 8, 2021

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

**Re: English Residence
Block 76, Lot 3
102 Beach Avenue
Borough of Bradley Beach
Our File BBBA 21-01**

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 three (3) sheets prepared by Michael J. Moss, R.A. of Moss Architecture, LLC, dated October 20, 2017, with the latest revisions dated January 4, 2021.
- A survey of property consisting of one (1) sheet prepared by William H. Zieman, Jr. of Azimuth Land Surveying Co., Inc., dated June 23, 2014, with no revisions.

The application has been deemed complete. Our office has reviewed the plans to determine if they conform with the requirements of the Borough Ordinance and report as follows:

1. **Property Description**

- A. The property is located at house number 102 Beach Avenue (Lot 3, Block 76) with a total area of 4,037 square feet.
- B. The existing lot contains a single-family dwelling with a detached garage and driveway.
- C. The Applicant is proposing an open porch above the existing front porch, second floor and ½ story addition, with renovation to the basement and existing second floor.

2. **Zoning and Land Use**

- A. The property is located in the R-B Residential Beachfront Zone and single-family dwelling is a permitted principal use in this zone.
- B. The proposed improvements require Board Approval for development of a non-conforming lot and structure. Variance approval is required for the third story and rooftop deck. The property has existing non-conformities with lot area, lot width, building coverage, impervious coverage, side yard setback to dwelling, garage setbacks, driveway setback, and others described in the report.

3. **Variations and Waivers**

- A. In accordance with Section 450-13, permitted yard encroachments, the following variances or existing non-conformities are noted below:
 - 1) In accordance with Section 450-13.A, the open, unscreened entrance porch is not permitted to project more than 8 feet into the required front yard. The permitted setback along Beach Avenue for this property is 7 feet. The existing setback to the covered front porch is 9.5 feet, which conforms.
 - 2) In accordance with Section 450-13.B, an open uncovered or unroofed deck leading to the second floor, directly above the open unscreened porch, also not projecting more than 8 feet in depth into the required front yard and not exceeding the width of the existing or proposed structure. Said porch or deck will have open rails or spindles and can be cantilevered with no retractable awnings or pressure treated flooring or railings. The Applicant is proposing a front yard setback of 9.5 feet for the second floor open uncovered porch, which conforms.
 - 3) In accordance with Section 450-13.E., an open uncovered and roofed deck or patio not more than 3 feet above ground level may extend into a required side and rear yard to within five feet of a side or rear property line. The Applicant is proposing a rooftop deck which is greater than 3 feet above ground level. **A variance is required.**

B. In accordance with Section 450-28.D(1) area, yard, and building requirements for a single-family dwelling is subject to the requirements and limitations in Section 450-26.D. The following variances or existing non-conformities are noted below:

- 1) In accordance with Section 450-26.D.(1)(a), the minimum lot area permitted per the zoned district is 5,000 square feet. The existing lot area is 4,037 square feet, which represents an existing non-conformity. The improvements to a non-conforming lot requires Board approval.
- 2) In accordance with Section 450-26.D.(1)(b), the minimum lot width permitted per the zoned district is 50 feet. The existing lot width is 40.64 feet, which represents an existing non-conformity. The improvements to a non-conforming lot requires Board approval.
- 3) In accordance with Section 450-26.D.(1)(e), the minimum side yard setback permitted is 5 feet and 10 feet. For lots not meeting the minimum lot width requirement that exists shall be 10% (4.06 feet) and 20% (8.12 feet) of the lot width. The existing side yard setbacks are 3.7 feet on the north side and 10.5 feet on the south side. The existing north side yard setback represents an existing non-conformity.

The Applicant is proposing a side yard setback of 4.1 feet on the north side and a setback of 10.5 feet on the south side. Both of the proposed side yard setbacks conform.

- 4) In accordance with Section 450.26.D.(1)(g) the maximum building height permitted is 35 feet and 2 ½ stories. The Applicant is proposing a building height of 34.83 feet, which conforms.

The half story is a story under a sloping roof, which may have dormers with windows, have a floor area not exceeding 50% of the floor area below it. The Applicant indicates a proposed floor area of 868 square feet. Our office calculated the second-floor area of approximately 999 square feet, which includes the deck. Our office calculates an attic floor area of 640 square feet, which includes the deck. The attic floor area is greater than 50% of the floor below and is not a half story by the Borough's definition. **A variance is required.**

- 5) In accordance with Section 450.26.D.(1)(h), the maximum building coverage permitted is 35% of the lot area. The building coverage will not change as the additions and renovation will not change the footprint of the dwelling. The Applicant indicates a building coverage of 29.1%. Building coverage is the "building area"

expressed as a percentage of the lot area. Building area is the total of areas taken on the horizontal plane at the main grade level of the principal building, accessory buildings and other roofed areas and overhangs. Building coverage for this property is the dwelling, covered porch, and the garage.

Our office calculates a building coverage of 36%, which represents an existing non-conformity. The calculation for building coverage should be shown on the plan and testimony should be provided.

- 6) In accordance with Section 450.26.D.(1)(i), the maximum impervious coverage permitted is 60% of the lot area. The Applicant is not proposing an increase in impervious coverage as the improvements are within the existing impervious surface area. The existing impervious coverage is 32.3%.

Our office calculates an impervious coverage of 64.9%, which represents an existing non-conformity. The calculation for impervious coverage should be shown on the plan and testimony should be provided.

- 7) In accordance with Section 450.26.D.(1)(k), the minimum side yard setback permitted to an accessory structure is 5 feet. The existing south side yard setback to the detached garage is 1.7 feet which represents an existing non-conformity. The existing north side yard setback to the detached garage is 19.5 feet, which conforms.
- 8) In accordance with Section 450-26.D(1)(l), the minimum rear yard setback permitted to an accessory structure is 5 feet. The existing rear yard setback to the detached garage is 2.0 feet, which represents an existing non-conformity.

C. In accordance with Section 450-26.E.(4), sleeping quarters shall not be permitted in the basement or cellar of any dwelling. The Applicant is proposing renovations to the basement and should provide testimony on the use of the basement.

D. In accordance with Section 450-41.A.(1), driveway and parking areas shall be located a minimum of 3 feet from the side lot line. The existing driveway and parking area is located 2 feet from the south property line. This represents an existing non-conformity.

4. General Comments

A. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.

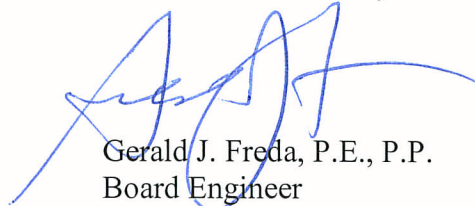
- B. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- C. The Applicant should provide information that taxes are currently paid.
- D. The Applicant shall secure any and all construction permits needed for the project.

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

DMH:mfl

cc: Kristie Dickert, Board Secretary
Mark Kitrick, Esq. Board Attorney
Jeffrey Beekman, Esq., Applicant's Attorney
Michael J. Moss, R.A., Applicant's Architect
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