

**ZONING BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE**

An application is hereby made for a (hardship) (use) variance from the terms of Article(s) and Section (s)

Section 450-26-D minimum lot width 50' required, 40' existing.

The zoning officer's denial of the zoning permit states the

applicant's proposed half-story is greater than 50% of the square
footage of the floor below and requires a variance. Applicant believes

the enclosed half-story is less than 50% of the square footage of the
floor below and does not require a variance, but if the Board

believes a variance is required, applicant requests same. Applicant is

proposing open, unscreened uncovered decks off the front & rear of the
half-story. If a variance is needed, applicant requests same. (See attached)

DESCRIPTION OF PROPOSED STRUCTURE OR USE

Premises affected known as:

Block 25

Lot 8

Street Address 103 Park Place Avenue

Applicant's Name: Daniel Walsh

Applicant's Address: 41 London Street, Freehold, NJ 07728

Applicant's Telephone No. _____

Owner's Name: Daniel Walsh

Owner's Address: Same as applicant

Owner's Telephone No. Same as applicant

Lessee's Name: N/A

Owner's Address: _____

Owner's Telephone No. _____

Attachment

Daniel Walsh
103 Park Place Avenue
Block 25 Lot 8

The Zoning Officer's denial of the zoning permit cites 450-13-E, and he determined that the open, unscreened entrance porch leading to the first floor rear entry of the house requires a variance because it is higher than 3'. Applicant believes the rear entry only has to be less than 3' if it extends into a required side or rear yard to within 5 feet of a side or rear property line. The proposed rear entry does not extend into a side or rear yard setback. However, if the Board believes a variance is required, applicant requests same.

Present Use:

Vacant Lot

Size of Lot: 5,000 S.F.

Size of building (s) Present and/or proposed at street level

Front Footage: Proposed 24.5 **Deep Footage:** 41

Percentage of lot occupied by the building(s): 34.82% principal and garage apartment

Building(s) Height: 34.7' - house
24.1' - garage apt. **Number of Stories:** 2.5 - House
2.0 - garage apt.

Setback footage: Front: 21.0' **Side:** 4' (W) , 11.5' (E) - House
(If corner lot) Not a corner lot

Zoning Requirements:

Front: Avg. Ft. Yd. 19.03' **Side Yards:** 4' & 8'

Rear Yard: 25' **Setbacks:** 4' & 11.5'

“Prevailing Setback of adjoining buildings within one block: 19.03 feet.

Has there been any previous appeal involving these premises? YES NO
Not to applicant's knowledge
If so, state the character of appeal and the date of disposition:

Proposed Use:

Applicant demolished existing house and garage apartment that were in poor condition. Proposes to construct a new house and garage apartment.

This application for use variance includes an application for approval of the following: N/A

Subdivision _____ **Site Plan** _____ **Conditional Use** _____

Attached hereto and made a part of this application, I submit the following:
(All of the following papers **must** be submitted with this application.)

- a. The **original** Building Application, **signed** by the Building Official and/or true copy of the Official Order issued by the Building Official and signed by him, where applicable.
- b. **Five (5)** copies of a map showing **all lots within two hundred (200)** feet of the property; if buildings exist thereon, the map shall be a certified "**Location Map**" and clearly indicate such buildings and their approximate locations.
- c. **Five (5)** copies of **Plot Plan** and clearly indicate such buildings thereon with all front, side and rear dimensions.
- d. **Five (5)** copies of the **List of Property Owners** served, indicating method of service on each, the date of service, together with copies of the Post Office Receipts, if any.
- e. **Five (5)** copies of Subdivision, Site Plan, or Conditional Use application, when applicable.

File all copies with the Secretary of the Zoning Board of Adjustment when only a variance is sought.

[Handwritten Signature]
Signature of Applicant or Agent

Telephone No.

Date: 2/6/71



Borough of Bradley Beach
 701 Main Street
 Bradley Beach, NJ 07720
 (732) 776-2999 ext 1038

Date Issued: _____
 Application Number: ZA-19-0253
 Application Date: 11/13/2019
 Project Number: _____
 Permit Number: _____
 Fee: \$45.00 CHK 3647

Zoning Permit

Worksite: **103 PARK PLACE AVE**
 Location: **Borough of Bradley Beach, NJ 07720**

Contractor: **DAN WALSH**
103 PARK PLACE AVE
BRADLEY BEACH NJ 07720

Owner: **WALSH, DANIEL J.**
 Address: **103 PARK PLACE AVE**
BRADLEY BEACH, NJ 07720

Applicant: **DAN WALSH**
 Address: **103 PARK PLACE AVE**
BRADLEY BEACH, NJ 07720

Block: 25 Lot: 8 Qualifier: _____ Zone: R-B

This Certifies that an application for the issuance of a Zoning Permit has been examined.

Present Use: (None)

- Non Conforming Use Non Conforming Structure

Proposed Use: Single-Family Dwellings with Accessory Garage Apartment

Work Description:

New Building, Deck/Porch, New Accessory Structure - PROPOSED ONE BEDROOM APARTMENT OVER TWO CAR GARAGE (540 SF FOOTPRINT), PROPOSED TWO AND A HALF STORY SINGLE FAMILY DWELLING (1004.5 SF FOOTPRINT), PROPOSED COVERED PORCH (171.5 SF FOOTPRINT), REFER TO PLOT PLAN BY LANDMARK SURVEYING AND ENGINEERING, INC FOR ALL SETBACKS AND COVERAGES. ADDITIONAL SITE IMPROVEMENTS INCLUDE NEW REAR STOOP (25.24 SF), THREE AC UNITS AT 9 SF EACH, FRONT STEPS (22.5 SF) AND REAR STEPS (12.39 SF) AND NEW PAVER RIBBON DRIVEWAY AND WALKWAY (1,104.65 SF) AND CONCRETE APRON AT GARAGE (71.55 SF).

Application Approved Date: _____

Upon review it was determined that the Zoning Permit:

- Permitted by Ordinance 450
 Permitted by Variance approved on: _____
 Approved with Conditions
 Valid Nonconforming Use/Structure is established by
 Zoning Board of Adjustment Zoning Officer

Additional Comments:

The property is located within the R-B Zone. The present approved zoning use of the property is a vacant lot.

The applicant describes the proposed work in detail:

"Proposed 1 bedroom apartment over 2 car garage (540 sf footprint), proposed 2.5 story single family dwelling (1004.5 sf footprint), proposed covered porch (171.5 sf footprint), refer to plot plan by Landmark Surveying and Engineering, Inc for all setbacks and coverages. Additional site improvements include new rear stoop (25.24 sf), (3) ac units at 9 sf each, front steps (22.5 sf) and rear steps (12.39 sf) and ne paver ribbon driveway and walkway (1,104.65 sf) and concrete apron at garage (71.55 sf)."

The applicant indicates the property has not been subject to any prior application to the Zoning Board of Adjustment or Planning Board.

NEW RESIDENCE:

- The applicant is proposing to construct a 24.5'X41', 2.5 story, single family dwelling.
- The proposed principal structure shall be setback 21' from the front yard lot line, 63' from the rear yard lot line, and 4' and 11.5' from the side yard lot lines.

Per Land Development Ordinance section 450-26-D:

Area, yard and building requirements. The following standards are established hereafter and are further set forth in the Schedule of Height, Area and Yard Requirements[2] of this chapter.

[Amended 8-8-2006 by Ord. No. 2006-12]

(1) Area, yard and building limitations:

(a) Minimum lot area: 5,000 square feet.

[Amended 10-25-2011 by Ord. No. 2011-19]

ZONING NOTES:

- The existing lot presents with a minimum lot area of 5,000 square feet.

(b) Minimum lot width: 50 feet.

[Amended 10-25-2011 by Ord. No. 2011-19]

ZONING NOTES:

- The existing lot presents with a lot width of 40'.

(c) Minimum lot depth: 100 feet.

ZONING NOTES:

- The existing lot presents with a depth of 125'.

(d) Minimum front yard: 15 feet and 25 feet. The front yard depth shall be a minimum of 15 feet on north-south streets and 25 feet on east-west streets or the minimum depth of any front yard within the block and fronting on the same street on which the structure fronts. When the prevailing setback of the existing buildings along a block front is less than the setback requirements, the front yard set back distance may be reduced to the average of front yard setbacks of principal structures on all developed properties on the same side of the street within 200 feet of the property as documented by a map prepared by a licensed land surveyor. The average depth will be from the front wall of the structure, provided that such setback is not less than 10 feet. Front porches shall also be averaged within 200 feet on each side of the lot and within the same block front.

[Amended 2-28-2017 by Ord. No. 2017-10]

ZONING NOTES:

- The property is located on an east-west street, therefore the required front yard setback is 25'. The applicant indicates the average building alignment to be 19.03'. The applicant is proposing a 21' front yard setback.

(e) Minimum side yards: five feet and 10 feet.

ZONING NOTES:

- Per the bulk regulations: "The minimum side yards for lots not meeting the minimum lot width requirement that exist shall be 10% and 20%. The existing lot presents with a lot width of 40'. Therefore the required side yard setbacks are 4' and 8'. The applicant indicates the proposed side yard setbacks to be 4' and 11.5'.

(f) Minimum rear yard: 25 feet.

ZONING NOTES:

- The applicant is proposing a rear yard setback of 63'

(g) Maximum building height: 35 feet (2 1/2 stories).

ZONING NOTES:

- The applicant is proposing a building height of 34.7'.

(h) Maximum building coverage: 35%.

ZONING NOTES:

- The applicant indicates the proposed building coverage to be 34.82%.

(i) Maximum impervious coverage: 60%.

ZONING NOTES:

- The applicant indicates the proposed lot coverage to be 59.59%

(j) Minimum off-street parking: two spaces per dwelling unit.

ZONING NOTES:

- The applicant is proposing minimum off-street parking: two spaces per dwelling unit.

PERMITTED YARD ENCROACHMENTS:

Per Land Development Ordinance section 450-13-A:

A. An open, unscreened entrance porch leading to the basement, cellar or first floor, projecting not more than eight feet in depth, not exceeding the width of the existing or proposed structure, not including steps, into a required front yard area, provided there is no side yard encroachment. If it is a wraparound porch, it will not encroach the side yard setback.

Said front porch is to have open rails or spindles.

[Amended 1-27-2009 by Ord. No. 2009-2]

ZONING NOTES:

- The applicant is proposing to construct a 7.0'X24.5', unscreened entrance porch leading to the first floor.
- The proposed unscreened entrance porch projects 5.03' into the required front yard area.
- The proposed unscreened entrance porch does not exceed the width of the proposed structure.
- The proposed unscreened entrance porch does not encroach into the side yard areas.
- The proposed unscreened entrance porch is not a wrap around.

Per Land Development Ordinance section 450-13-B:

B. An open uncovered or unroofed deck leading to the second floor, directly above the open unscreened porch as indicated in Subsection A, also not projecting more than eight feet in depth and not exceeding the width of the existing or proposed structure into the required front yard. Said porch or deck will have open rails or spindles and can be cantilevered, with no retractable awnings or pressure-treated flooring or railings.

[Amended 1-27-2009 by Ord. No. 2009-2]

ZONING NOTES:

- The applicant is proposing to construct a 7.0'X24.5' open uncovered or unroofed deck leading to the second floor, directly above the open unscreened porch as indicated in Subsection A.
- The proposed open uncovered or unroofed deck projects 5.03' into the required front yard area.
- The proposed open uncovered or unroofed deck does not exceed the width of the proposed structure.
- The proposed open uncovered or unroofed deck does not encroach into the side yard areas.

Per Land Development Ordinance section 450-13-E:

E. An open and uncovered and unroofed deck or patio not more than three feet above ground level may extend into a required side or rear yard to within five feet of a side or rear property line. This restriction shall not apply to such patios if constructed at ground level.

ZONING NOTES:

- The applicant is proposing to construct an open and uncovered and unroofed deck more than three feet above ground level attached to the rear of the residence. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

Per Land Development Ordinance section 450-13-F:

F. Ordinary projections of cornices, eaves, gutters, sills, belt courses, chimneys, flues, buttresses and ornamental features may project not more than 24 inches into any required yard area.

ZONING NOTES:

- The proposed ordinary projections of cornices, eaves, gutters, sills, belt courses, chimneys, flues, buttresses and ornamental features do not more than 24 inches into any required yard area, from the principal structure.

HALF STORY:

ZONING NOTES:

- The applicant is proposing a floor area exceeding 50%. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment interpretation and approval is required.

GARAGE APARTMENT:

Per Land Development Ordinance section 450-26-B-(1):

(1) Garage apartments in accordance with the following:

[Amended 1-27-2009 by Ord. No. 2009-1; 11-24-2009 by Ord. No. 2009-15]

(a) Maximum garage floor area (first floor): 800 square feet.

ZONING NOTES:

- The applicant is proposing a maximum garage floor area of 435 square feet.

(b) Maximum apartment floor area (second floor): 600 square feet (including staircase).

[Amended 10-25-2011 by Ord. No. 2011-19]

ZONING NOTES:

- The applicant is proposing a maximum apartment floor area of 482.8 square feet.

(c) Maximum of one bedroom.

ZONING NOTES:

- The applicant is proposing a maximum of one bedroom.

(d) Garage and common area only on the ground floor.

ZONING NOTES:

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- The applicant is proposing a common area on the ground floor.

(e) Living accommodations on the second floor only.

ZONING NOTES:

- The applicant is proposing living accommodations on the second floor only.

(f) Maximum building (peak) height of accessory structure: 25 feet.

ZONING NOTES:

- The applicant is proposing a building (peak) height of 24.09'.

(g) Maximum eave height of garage: 12 feet.

ZONING NOTES:

- The applicant is proposing a garage eaves height of 9.25'.

(h) Minimum number of internal parking spaces: two spaces.

ZONING NOTES:

- The applicant is proposing a minimum number of two parking spaces.

(i) Second floor porches or balconies are not permitted.

ZONING NOTES:

- The applicant is not proposing porches or balconies on the second floor.

(j) Exterior staircases are not permitted.

ZONING NOTES:

- The applicant is not proposing exterior staircases.

(k) Garage apartments are not permitted on corner lots.

[Added 10-25-2011 by Ord. No. 2011-19]

ZONING NOTES:

- The property is not located on a corner lot.

Per Land Development Ordinance section 450-26-D:

(k) Minimum side yard (accessory structure): five feet.

ZONING NOTES:

- The proposed Accessory Garage Apartment presents with a side yard setbacks of 5' and 8'.

(l) Minimum rear yard (accessory structure): five feet.

ZONING NOTES:

- The proposed Accessory Garage Apartment presents with a rear yard setback of 5'.

(m) Minimum distance from primary structure: 20 feet.

ZONING NOTES:

- The proposed Accessory Garage Apartment presents with a minimum distance from the primary structure of 38'.

RESIDENTIAL PARKING AND DRIVEWAY REQUIREMENTS:

Per Land Development Ordinance section 450-41-A:

A.

One- and two-family uses.

(1) Driveways and parking areas installed for one- and two-family dwellings shall be a minimum of eight feet in width inside the property lines and shall be located a minimum of three feet from a side lot line.

ZONING NOTES:

- The applicant is proposing a driveway and parking area with a minimum of 8' in width.

(2) Curb cuts shall be a maximum of 12 feet in width. Driveway aprons shall be a maximum of 10 feet in width at the property line and 12 feet in width at the curbline. The portion of a sidewalk forming part of a driveway and the driveway apron shall be constructed of concrete, six inches thick, reinforced with six by six 10/10 WWM. Each lot shall have no more than one driveway and curb cut.

[Amended 5-9-2006 by Ord. No. 2006-3]

ZONING NOTES:

- Code Enforcement review and approval is required

(3) Driveways and parking areas located in the front yard shall not exceed a width of 12 feet, which area shall consist of impervious pavement to be used for off-street parking.

ZONING NOTES:

- The proposed driveway and parking area located in the front yard does not exceed a width of 8'.

(4) No driveway less than 20 feet in length shall be permitted as measured from the property line to the end of the driveway.

[Amended 10-25-2011 by Ord. No. 2011-19]

ZONING NOTES:

- The proposed driveway exceeds 20' in length from the property line to the end of the driveway.

(5) Driveways on corner lots shall be installed on the side of the lot farthest from the intersection. On corner lots less than 50 feet in width, the driveway shall be installed on the side of the lot with the longest street frontage.

ZONING NOTES:

- N/A

(6) Driveways and parking areas shall be improved with a dust-free durable, all-weather material, said material is deemed to include concrete, asphalt, brick or concrete pavers but shall exclude gravel, stone or other similar material. The area between the end of the driveway and the street, inclusive of the sidewalk, shall be concrete with a minimum depth of six inches reinforced with welded wire mesh, designed and constructed in accordance with details and specifications provided by the Borough Engineer. The surface of the apron shall be at the same elevation as the sidewalk sections, which are joined to each side so that the sidewalk continues uninterrupted where it crosses the driveway.

ZONING NOTES:

- Borough Engineer review and approval is required.

(7) Driveways and parking areas shall be graded and installed to effect positive drainage to the gutter and/or away from the nearest property line and into the lawn area of the front, rear or side yards. No driveway or apron shall obstruct the flow of stormwater in the gutter or otherwise cause water to collect or pond.

ZONING NOTES:

- Borough Engineer review and approval is required.

BUILDING AND IMPERVIOUS COVERAGE:

- The applicant is proposing walkways in the front and rear yard area.
- The applicant indicates the proposed building coverage to be 34.82%
- The applicant indicates the proposed impervious coverage to be 59.59%

PERFORMANCE STANDARDS FOR ALL USES:

Per Land Development Ordinance section 450-58-H:

H. Ventilation. No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no HVAC or mechanicals, which present with any type of exterior ventilation for properites which include new construction or residential additions shall require a five-foot setback. All other properties shall not be permitted to ventilate toward an adjacent uses unless set back five feet from the property line(s), or constructed and maintained to deflect the ventilation 90° away from the adjacent use.

ZONING NOTES:

- The applicant is proposing to construct two HVAC units, proximal to the proposed principal structure, setback 5' from the proximal side yard lot line, and 59' from the rear yard lot line.
- The applicant is proposing to construct one HVAC unit, proximal to the proposed accessory garage apartment, setback 5' from the proximal side yard lot line, and 6' from the rear yard lot line.

The applicant does not display compliance with the Land Development Ordinance.

Zoning Board of Adjustment approval is required.

11/25/2019

Date

George Waterman, Zoning Official

Please contact the Borough of Bradley Beach Construction Department and Code Enforcement Department, for possible required permits prior to commencing work.