

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

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September 9, 2021

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

**Re: Ocean Grace, LLC
Block 13, Lot 16
1107 Ocean Avenue
Our File BBBA 21-07**

Dear Chairman and Board Members:

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

- An architectural plan consisting of four (4) sheets prepared by Michael J. Moss, R.A. of Moss Architecture, LLC, dated May 26, 2020, with the latest revisions dated June 21, 2021.
- A map of survey consisting of one (1) sheet prepared by Robert J. Templin, P.E. and P.L.S. of Templin Surveying-Engineering of NJ, LLC, dated June 20, 2019, with no revisions.

This 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 1107 Ocean Avenue (Lot 16, Block 13) with a total area of 1,773 square feet.
 - B. The existing lot contains a two-story dwelling with covered front porch.

- C. The Applicant is removing the existing dwelling and all site amenities. The Applicant is proposing a 2 ½-story single-family dwelling with sunken driveway and covered front porch with deck above.

2. **Zoning and Land Use**

- A. The property is located in the R-B Residential Beachfront Zone. The proposed single-family dwelling is a permitted principal use in this zone.
- B. The proposed improvements require Board Approval for a use variance for building height, number of stories, upper porch variances, side building setback, rear building setback, building coverage, impervious coverage, driveway apron width and driveway curb cut.

3. **Variances and Waivers**

- A. In accordance with Section 450-26.E.(2), the living space of single-family dwellings on lots that are either less than 4,000 square feet or less than 40 feet of frontage shall not exceed 2-stories and 30 feet in height. The Applicant is proposing a building height of 34.5 feet. **A d(6) variance is required.**

D(6) Height Variance. The application requires a d(6) use variance to permit a height of principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

- 1) To meet the positive criteria for a d(6) variance, the Applicant should prove the particular suitability of the site in accommodating the use, despite the increase in height by over 10% of what is permitted in the zoned district.
- 2) The negative criteria should focus on the impact of the deviation. The Applicant must present evidence that the negative impacts of non-compliance with the permitted height can be mitigated to the extent that the use will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zoned plan and zoning ordinance.

The Applicant is proposing 3-stories. **A variance is required.**

- B. 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.(2), (setbacks), for permitted residential structures a porch may extend 8 feet into the required front yard setback area, provided the principal structure conforms to

the front yard setback requirement or by submission of the appropriate “Setback Averaging” plan as reflected in Ordinance 450-26.D.(7). A “Wrap-Around” Porch may exceed the width of the existing or proposed structure, as long as it is in compliance with side setback requirements for the principal structure. The Applicant did not provide a setback averaging plan. The permitted porch setback is 7 feet. The Applicant is proposing porch setback of 15 feet, which conforms.

- 2) In accordance with Section 450-13.A.(2), (setbacks), for permitted residential structures may extend 8 feet into the required front yard setback area, provided the principal structure conforms to the front yard setback requirement or by submission of the appropriate “Setback Averaging” plan as reflected in Ordinance 450-26.D.(7). A “Wrap-Around” Upper Porch on corner lots only may exceed the width of the existing or proposed structure, as long as it is in compliance with front yard setback requirements for the principal structure. The Applicant did not provide a setback averaging plan. The permitted upper porch setback is 7 feet. The Applicant is proposing an upper porch setback of 12 feet, which conforms.
 - 3) In accordance with Section 450-13.B.(5), (Location), Upper Porches are permitted in the front yard of the dwelling only, above the footprint of the lower porch. The Applicant is proposing the upper porch outside the footprint of the lower porch. **A variance is required.**
- C. In accordance with Section 450-13.G, air conditioners, HVAC and other mechanical equipment shall not be permitted in the required setback areas. No mechanical equipment is shown on the plan. Testimony should be provided.
- D. 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 the 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 1,773 square feet, which represents an existing non-conformity.
 - 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 22.9 feet, which represents an existing non-conformity.

- 3) In accordance with Section 450-26.D(1)(c), the minimum lot depth permitted per the zoned district is 100 feet. The existing lot depth is 77.43 feet, which represents an existing non-conformity.
- 4) In accordance with Section 450-26.D(1)(d), the minimum front yard setback permitted for a street east to west is 25 feet and for a street running north to south (Madison Avenue) is 15 feet, or the minimum depth of any front yard within the block and fronting on the same street on which the structure fronts, whichever is greater. When the prevailing setback of the existing buildings along a block front is less than the setback requirements, the front yard setback 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. The Applicant did not provide the average front yard setback.

The Applicant is proposing a front yard setback of 21 feet to the second-floor projection, which conforms.

- 5) In accordance with Section 450-26.D(1)(e), the minimum side yard setback permitted per the zoned district is 5 feet and 10 feet. For lots not meeting the minimum lot width requirements that exist, the side yard setback shall be 10% (2.29 feet) and 20% (4.58 feet) of the lot width. The Applicant is proposing a north side yard setback of 2.57 feet, which conforms. The Applicant is also proposing a south side yard setback of 3.0 feet. **A variance is required.**
- 6) In accordance with Section 450-26.D(1)(f), the minimum rear yard setback per the zoned district is 25 feet. For lots not meeting the minimum lot depth requirements the rear yard setback may be reduced proportionately to the existing lot depth as a percentage of required lot depth, but in no case shall be less than 10 feet. For this lot the permitted rear yard setback is 19.36 feet. The Applicant is proposing a rear yard setback of 6.73 feet. **A variance is required.**
- 7) In accordance with Section 450-26.D(1)(h), the maximum building coverage permitted per the zoned district is 35% of the lot area. The Applicant is proposing a building coverage of 57.3%. **A variance is required.**

- 8) In accordance with Section 450-26.D(1)(i), the maximum impervious coverage permitted is 60% of the lot area. The Applicant is proposing an impervious coverage of 72.9%. **A variance is required.**
 - 9) In accordance with Section 450-26.D(1)(j), the minimum off-street parking is two (2) spaces per dwelling unit. The Applicant is proposing three (3) off-street parking space, which conforms.
- E. In accordance with Section 450-41, residential parking and driveway requirements, the following variances or existing non-conformities are noted below:
- 1) Driveways and parking area shall be a minimum of 8 feet in width inside the property line and shall be located a minimum of 3 feet from the side property line. The Applicant is proposing a driveway width of 10 feet, which conforms. The Applicant is proposing a driveway 3.66 feet from the south side property line. This setback conforms.
 - 2) In accordance with Section 450-41.A(2), curb cuts shall be a maximum of 12 feet in width. The Applicant is proposing a curb cut of 12.67 feet. **A variance is required.**

A driveway apron shall be a maximum of 10 feet in width at the property line and 12 feet in width at the curb line. The Applicant is proposing driveway apron of 10 feet in width at the property line and 12.67 feet in width at the curb line. **A variance is required for the width of the driveway apron at the curbline.**
 - 3) In accordance with Section 450-41.A(4), no driveway less than 20 feet in length shall be permitted as measured from the property line to end of the driveway. The Applicant is proposing a driveway length of 23 feet, which conforms.
 - 4) The Applicant should provide testimony on the number of on-street parking spaces that will be lost due to the proposed driveway.

4. **General Comments**

- A. The architectural site plan indicates a proposed underground drywell to be connected to all roof leaders. The Applicant should provide calculations for the drywell and a soil boring indicating the seasonal high water table.
- B. The Applicant should be aware that Ocean Avenue is County Road 18. The Applicant should secure the appropriate approval from the County.

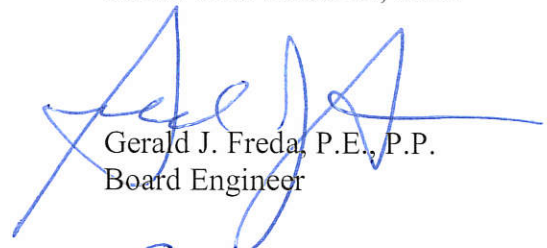
- C. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- D. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- E. The Applicant should provide information that taxes are currently paid.
- F. 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



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

DMH:mfl

cc: Kristie Dickert, Board Secretary
Mark Kitrick, Esq. Board Attorney
Michael J. Wenning, Esq., Applicant's Attorney
Michael J. Moss, RA, Applicant's Architect

BB/BA/21/21-07