



Borough of Bradley Beach
Zoning Officer
701 Main Street
Bradley Beach, NJ 07720
(732) 776-2999 ext 1038 Fax(732) 776-8168
zoningofficer@bradleybeachnj.gov

Application Date: 1/9/2020
Application Number: ZA-19-0257
Permit Number: _____
Project Number: _____
Fee: \$45

Denial of Application

Date: 1/9/2020

To: MARY HEARN, ARCHITECT
1007 B MAIN STREET
BELMAR, NJ 07719

CC: App Tele:(732) 556-9055
App Email:MHEARN@MBHEARN.COM

RE: 202 FOURTH AVE
Block: 53 Lot: 12 Qual: Zone: R-1

Dear MARY HEARN, ARCHITECT,

The following comments were made during the denial process:

RESUBMISSION

The property is located within the R-1 Zone. The present zoning use of the property is a Single Family Dwelling.

The applicant describes the proposed work in detail:

"The owners plan to construct a 26.5 ft x 61.2 ft, 2-½ story single family dwelling, 34.17 ft in height. The dwelling will be located 25.17 ft from the south side of the property fronting Fourth Avenue, 63.67 ft from the north side of the property, 4.67 ft from the east side of the property and 13.9 ft from the west side of the property. The owners plan to construct a 27.0 ft x 23.0 ft, 2 story garage apartment, 27.8 ft in height. The garage apartment will be located 5.1 ft from the north side of the property and 5.1 ft from the west side of the property. The owners plan to construct site improvements as shown."

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

DEMOLITION:

- The applicant is proposing to demolish the existing principal structure and all accessory structures, generating a vacant lot.

NEW RESIDENCE:

Per Land Development Ordinance section 450-26-D:

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 applicant indicates the lot area to be 6,750 square feet.

(b) Minimum lot width: 50 feet.

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

ZONING NOTES:

- The applicant indicates the proposed lot width to be 45'. The lot width does not comply with the Land Development Ordinance requirement. Zoning Board of Adjustment approval is required.

(c) Minimum lot depth: 100 feet.

ZONING NOTES:

- The applicant indicates the proposed lot depth to be 150 feet.

(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 is proposing a front yard setback of 25.17'.

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

ZONING NOTES:

- Per the Schedule of Height, Area and Yard Requirements, the minimum side yards for lots not meeting the minimum lot width requirement that exist shall be 10% and 20% of the lot width. Therefore the required side yard setbacks are 4.5' and 9'. The applicant is proposing side yard setbacks of 4.67' and 13.9'.

(f) Minimum rear yard: 25 feet.

ZONING NOTES:

- The applicant is proposing a rear yard setback of 67.66'.

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

ZONING NOTES:

- The applicant indicates the proposed building height to be 34.17'.

(h) Maximum building coverage: 35%.

ZONING NOTES:

- The applicant indicates the proposed building coverage to be 34.8%

(i) Maximum impervious coverage: 60%.

ZONING NOTES:

- The applicant indicates the proposed impervious coverage to be 59.8%

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

ZONING NOTES:

- The applicant is proposing more than two off-street parking spaces per dwelling unit.

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

ZONING NOTES:

- The applicant indicates the proposed accessory garage apartment to be setback 5.1' from the side yard lot line.

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

ZONING NOTES:

- The applicant indicates the proposed accessory garage apartment to be setback 5.1' from the rear yard lot line.

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

ZONING NOTES:

- The applicant indicates the distance from the primary structure to be 35.5'.

(n) Maximum building area (accessory structure): 600 square feet.

ZONING NOTES:

- The applicant indicates the building area of the accessory garage apartment to be 605 square feet. Per LDO section 450-26-B-(1)-(a), the maximum permitted garage floor area for a garage apartment is 800 square feet.

(o) Maximum building height (accessory structure): 28 feet (two stories).

ZONING NOTES:

- The applicant indicates the building height of the accessory garage apartment to be 27'.

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.

ZONING NOTES:

- The applicant is proposing to construct an unscreened entrance porch leading to the first floor.
- The applicant indicates the proposed unscreened entrance porch to project 7.83' in depth into the required front yard area, not including steps.
- The applicant indicates the proposed unscreened entrance porch does not exceed the width of the proposed structure.
- The applicant indicates that there are no side yard encroachments.

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.

ZONING NOTES:

- The applicant is proposing to construct an open uncovered or unroofed deck leading to the second floor, directly above the open unscreened porch.
- The applicant indicates the proposed open uncovered or unroofed deck to project 7.83' in depth into the required front yard area.
- The applicant indicates the proposed open uncovered or unroofed deck does not exceed the width of the proposed structure.

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 unscreened entrance porch attached to the rear of the residence. Unscreened entrance porch attached to the rear of the residence is not permitted. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

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 minimum driveway width of 8' inside the property lines.
- The applicant indicates the proposed driveway to be setback 3' from the proximal side yard lot line.

(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 curblin. 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:

- To be reviewed and approved by Code Enforcement.

(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 applicant indicates the proposed driveway to be 8' wide in the front yard area.
- The applicant indicates the proposed driveway to be paver.

(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 applicant indicates the proposed driveway to be longer than 20' in length.

(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:

- The property is not located on a corner lot.

(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.

ACCESSORY 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 indicates the proposed garage floor area to be 495.06 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 indicates the proposed apartment floor area to be 568.06 square feet.

(c) Maximum of one bedroom.

ZONING NOTES:

- The applicant is proposing one bedroom.

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

ZONING NOTES:

- 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 indicates the proposed building (peak) height of accessory structure to be 27.83'.

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

ZONING NOTES:

- The applicant indicates a garage eaves height of 9.75'.

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

ZONING NOTES:

- The applicant indicates the number of internal parking spaces to be two (2).

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

ZONING NOTES:

- There are no second floor porches or balconies proposed

(j) Exterior staircases are not permitted.

ZONING NOTES:

- The proposed staircase is interior to the accessory structure.

(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.

PERFORMANCE STANDARDS FOR ALL USES:

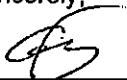
Per Land Development Ordinance section 450-58-H:

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 properties 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 install three (3) AC condenser units on the property. The proposed units shall be setback 5' from the proximal side yard lot line, 25' from the rear yard lot line, and 115.5' from the front yard lot line.

Sincerely,



George Waterman, Zoning Official