

March 5, 2020

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

Re: Kuder Residence
309 ½ McCabe Avenue
Block 36, Lot 7
Our File BBBA 19-16

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 five (5) sheets prepared by Jeffrey Scott Langsam, R.A. of Jeffrey Langsam Architect, P.A., dated December 19, 2019, with no revisions.
- A survey of property consisting of one (1) sheet prepared by Vincent Lungari, P.L.S. of Point Surveying, LLC, dated October 29, 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 309 ½ McCabe Avenue (Lot 7, Block 36) with a total area of 3,750 square feet. The lot is rectangular in shape and measures 25 feet in width by 150 feet in depth.
- B. The existing lot contains a two-story framed dwelling with a covered front porch, paver driveway, paver patio, and detached garage.
- C. The Applicant is proposing living space above the existing detached garage. This is a change in use from detached garage to garage apartment.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and the existing single-family dwelling is a permitted principal use in this zone.

- B. The proposed garage apartment is a permitted accessory use in this zone.
- C. The proposed improvements require Board Approval for improvements to a non-conforming lot and variances on eave height of the garage apartment, number of internal parking spaces for a garage apartment, off-street parking, side and rear yard setback to the garage apartment, and others described in this report. The property and structures have existing non-conformities with lot area, lot width, front yard setback, building coverage, impervious coverage, and others as described in this report.

3. **Variances and Waivers**

- A. In accordance with Section 450-13.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. The permitted setback for the porch is 17 feet. The existing setback to the porch is 13 feet, which represents an existing non-conformity conforms.
- B. In accordance with Section 450-26.B.(1), garage apartments, the following variance or existing non-conformities are noted below:
 - 1) In accordance with Section 450-26.B.(1)(g), the maximum eave height for a garage apartment is 12 feet. The Applicant is proposing an eave height of approximately 15.0 feet. **A variance is required.**
 - 2) In accordance with Section 450-26.B.(1)(h), the minimum number of internal spaces shall be two (2) spaces for a garage apartment. The Applicant is proposing one (1) internal space. **A variance is required.**
- 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)(a), the minimum lot area is 5,000 square feet. The existing lot area is 3,750 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 is 50 feet. The existing lot width is 25 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)(d), the front yard depth shall be a minimum of 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 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 existing front yard setback is 24.05 feet, which represents an existing a non-conformity.
- 4) In accordance with Section 450-26.D.(1)(e) the minimum side yard setback is 5 feet on one side and 10 feet on the other side. The existing principal dwelling is 1.69 feet on the west side and 7.04 feet on the east side. Both of these setbacks represent an existing non-conformity.
- 5) In accordance with Section 450.26.D.(1)(h), the maximum building coverage permitted is 35%. The existing building coverage is 41.7%, which represents an existing non-conformity. The proposed improvements will not increase the building coverage.
- 6) In accordance with Section 450.26.D.(1)(i), the maximum impervious coverage permitted is 60%. The existing impervious coverage is 77.2%, which represents an existing non-conformity. The proposed improvements will not increase the impervious coverage.
- 7) In accordance with Section 450-26.D.(1)(j), the minimum off-street parking permitted is two spaces per dwelling. The Applicant is required to have four (4) off-street parking spaces. It appears that no off-street parking is provided as the driveway is only 7 feet wide, which is smaller than a parking space width. **A variance is required.** The Applicant should provide testimony.
- 8) In accordance with Section 450-26.D.(1)(k), the minimum side yard (accessory structure) is 5 feet. The existing side yard setback for the garage is 2.38 feet on the east side and 3.87 feet on the west side. Both of these side yard setbacks represent an existing non-conformity. The proposed apartment above the garage having the same side yard setback is an expansion of an existing non-conformity **A variance is required.**

- 9) In accordance with Section 450-26.D.(1)(l), the minimum rear yard setback (accessory structure) is 5 feet. The existing rear yard setback for the garage is 2.08 feet, which represents an existing non-conformity. The proposed apartment above the garage having the same rear yard setback is an expansion of an existing non-conformity. **A variance is required.**

4. **General Comments**

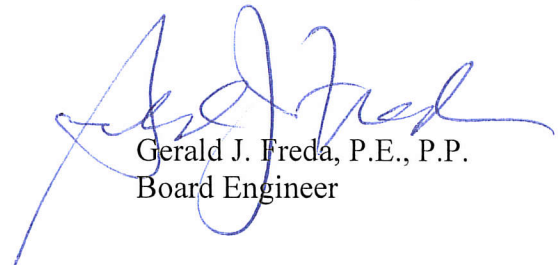
- A. The Applicant should provide testimony on the overhead wire over the existing garage.
- B. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- C. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- D. The Applicant should provide information that taxes are currently paid.
- E. 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 Scott Langsam, R.A., Applicant's Architect
Ann Marie Kuder, Applicant

BB/BA/19/19-16a