



Borough of Bradley Beach
 Zoning Officer
 701 Main Street
 Bradley Beach, NJ 07720
 (732) 776-2999 ext 1038 Fax(732) 775-8168
 zoningofficer@bradleybeachnj.gov

Application Date: 10/15/2019
 Application Number: ZA-19-0230
 Permit Number: _____
 Project Number: _____
 Fee: \$45

Denial of Application

Date: 10/24/2019

To: JEFFREY LANGSAM
 475 SOUTH JEFFERSON STREET
 ORANGE, NJ 07050

CC: App Tele:(973) 715-8163
 App Email:JL@JEFFREYLANGSAMARCHITECT.COM

RE: 309 1/2 MCCABE AVE
 Block: 36 Lot: 7 Qual: Zone: R-1

Dear JEFFREY LANGSAM,

The following comments were made during the denial process:

The property is located within the R-1 Zone. The applicant indicates the present zoning use of the property to be a Single Family House with an accessory garage. The applicant indicates the proposed zoning use of the property to be "Build a second story addition above the existing garage. This will be used as a studio apartment." The present approved zoning use of the property is a Single Family Dwelling with Accessory Nonconforming Garage. The proposed zoning use of the property is a Single Family Dwelling with Accessory Nonconforming Garage Apartment.

The applicant describes the proposed work in detail:

"We are proposing to construct an 18'-7 3/4" wide by 19' - 7 3/4" deep studio apartment above an existing detached garage. The studio apartment will be the same size as the garage. The setbacks will be the same. The height of the existing garage is 12'-6". The height with the addition is proposed to be 25'-0". The addition shall be wood framed with vinyl siding. To match the existing garage and have as asphalt shingled roof to match the house. Concrete footings shall be installed below the existing sill plates and concrete slab on grade"

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

RESIDENTIAL SINGLE-FAMILY ZONE / PERMITTED ACCESSORY USES:

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 289.17 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 321.67 square feet (including staircase).

(c) Maximum of one bedroom.

ZONING NOTES:

- The applicant is proposing a studio apartment. There are no walls defining a specific bedroom.

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

ZONING NOTES:

- The applicant displays the garage to be on the ground floor. The applicant does not indicate a proposed common area on the submitted plans.

(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 25'.

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

ZONING NOTES:

- The applicant does not indicate an eaves at the garage level. The applicant only indicates an eaves height at the apartment level to be 15'. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

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

ZONING NOTES:

- On the submitted plans the applicant indicates the existing "INTERIOR PARKING" to be "1 CAR", and the required "INTERIOR PARKING" to be "2 CARS". The applicant does not display the number of proposed internal parking spaces on the submitted plans. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

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

ZONING NOTES:

- The applicant does not display any proposed second floor porches or balconies on the submitted plans.

(j) Exterior staircases are not permitted.

ZONING NOTES:

- The applicant does not display any exterior staircases on the submitted plans.

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

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

ZONING NOTES:

- The property 309 ½ McCabe Avenue is not located on a corner lot.

AREA, YARD AND BUILDING REQUIREMENTS:

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

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:

(h) Maximum building coverage: 35%.

ZONING NOTES:

- The applicant indicates the existing building coverage to be 41.7%. The applicant is proposing to convert the existing Accessory Nonconforming Garage into an Accessory Nonconforming Garage Apartment, using the existing building. There is no proposed change in building coverage indicated on the submitted plans.

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

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:

(i) Maximum impervious coverage: 60%.

ZONING NOTES:

- The applicant indicates the existing impervious coverage to be 77.2%. The applicant is proposing to convert the existing Accessory Nonconforming Garage into an Accessory Nonconforming Garage Apartment, using the existing building. There is no proposed change in impervious coverage on the submitted plans.

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

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:

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

ZONING NOTES:

- The applicant is proposing two (2) dwelling units on the property. Per this LDO requirement four (4) spaces are

required. The applicant does not display the four spaces on the submitted plans. The applicant does not display compliance with the Land Development Ordinance.

- Per LDO section 450-26-B-(1)-(h) accessory garage apartments require a minimum number of two (2) internal parking spaces. Zoning Board of Adjustment interpretation is required in identifying if the two (2) required internal parking spaces required in LDO section 450-26-B-(1)-(h) are included in the four (4) space requirement identified in LDO section 450-26-D-(1)-(j).

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

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:

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

ZONING NOTES:

- The applicant is proposing to convert the Accessory Nonconforming Garage into an Accessory Nonconforming Garage Apartment.

- The applicant indicates the side yard setback for the proposed Accessory Nonconforming Garage Apartment to be 2.25'. The applicant does not display compliance with this Land Development Ordinance requirement. Zoning Board of Adjustment approval is required.

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

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:

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

ZONING NOTES:

- The applicant is proposing to convert the Accessory Nonconforming Garage into an Accessory Nonconforming Garage Apartment.

- The applicant indicates the rear yard setback for the proposed Accessory Nonconforming Garage Apartment to be 2.75'. The applicant does not display compliance with this Land Development Ordinance requirement. Zoning Board of Adjustment approval is required.

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

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:

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

ZONING NOTES:

- The applicant indicates the distance from primary structure to the proposed Accessory Nonconforming Garage Apartment to be 40.5'.

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

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:

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

ZONING NOTES:

- LDO section 450-26-B-(1)-(a) permits a maximum garage floor area (first floor): 800 square feet, and LDO section 450-26-B-(1)-(b) permits a maximum apartment floor area (second floor): 600 square feet (including staircase) for Accessory Garage Apartments.

- The applicant indicates a maximum building area (accessory structure) (Accessory Nonconforming Garage Apartment) of 358.54 square feet.

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

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:

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

ZONING NOTES:

- LDO section 450-26-B-(1)-(f) permits a maximum building (peak) height of 25 feet for accessory structures, referring

to Accessory Garage Apartments.

- The applicant indicates the proposed building height of the Accessory Nonconforming Garage Apartment to be 25'.

NONCONFORMING USES, STRUCTURES, AND LOTS:

Per Land Development Ordinance section 450-12-D:

D. A nonconforming structure may not be enlarged, extended, increased in height, width or depth, moved or relocated, modified in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms, unless such structure is changed to a structure conforming to the requirements of this chapter, except that an existing one- to four-family dwelling may be rebuilt, enlarged, extended or added to provided:

(1) The enlargement, extension or addition conforms to all zone requirements.

(2) Any existing one- to four-family dwelling located in a residential zone destroyed by wind, fire, water incursion, exposure or other act of God or public enemy or other natural calamity may be rebuilt on the same footprint, but need not comply with minimum lot width, depth and area requirements where the existing condition is nonconforming.

ZONING NOTES:

- The applicant is proposing to convert the existing Accessory Nonconforming Garage into an Accessory Nonconforming Garage Apartment, using the existing building. In doing so the applicant is proposing an addition enlarging the nonconforming structure. The existing and proposed condition does not conform to all zone requirements. Zoning Board of Adjustment approval is required.

PERMITTED YARD ENCROACHMENTS:

Per Land Development Ordinance section 450-13-F:

No building or part thereof shall be erected within or project into any required yard area except in accordance with the following provisions:

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 applicant is proposing new eaves with the proposed second story addition. The proposed eaves will project 12 inches from the building. The proposed eaves shall project 3.75' into the required 5' side yard setback, because the applicant is proposing a 2.75' side yard setback for the Accessory Nonconforming Garage Apartment. The proposed eaves shall project 3.25' into the required 5' rear yard setback, because the applicant is proposing a 2.25' rear yard setback for the Accessory Nonconforming Garage Apartment. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required.

The applicant does not display compliance with the Land Development Ordinance.
Zoning Board of Adjustment approval is required.

Sincerely,


