



Borough of Bradley Beach
 Zoning Officer
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 Bradley Beach, NJ 07720
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 zoningofficer@bradleybeachnj.gov

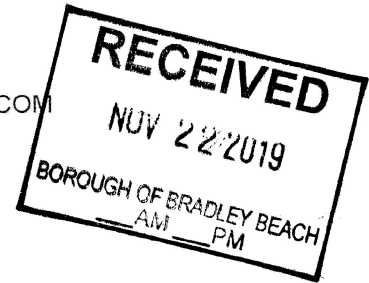
Application Date: 10/28/2019
 Application Number: ZA-19-0209
 Permit Number: _____
 Project Number: _____
 Fee: \$45

Denial of Application

Date: 10/28/2019

To: PAUL & KIM CHARETTE
 400 MONMOUTH AVE
 BRADLEY BEACH, NJ 07720

CC: App Tele:(732) 775-8114
 App Email: CASSTY@GMAIL.COM



RE: 400 MONMOUTH AVE
 Block: 79 Lot: 15 Qual: Zone: R-1

Dear PAUL & KIM CHARETTE,

The following comments were made during the denial process:

RESUBMISSION:

- With this zoning permit application resubmission, the applicant submitted two (2) copies of the property survey, displaying the existing and proposed conditions and two (2) copies of construction plans displaying the proposed conditions.
- The applicant did not submit a new zoning permit application. A copy of the zoning permit application submitted on 09-10-2019 was made by the zoning officer and placed with the plans for review of this resubmission.

The property is located within the R-1 Zone. The applicant indicates the present and proposed zoning use of the property to be "R-1". This is false. The present zoning use of the property is a Single Family Dwelling with Accessory Nonconforming Garage.

The applicant describes the proposed work in detail:
 "Living space above garage"

PERMITTED ACCESSORY USES - GARAGE APARTMENTS:

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

B. Permitted accessory uses.

(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:

- According to the applicants submitted construction plans, stamped received "Oct 28 2019", the proposed garage floor area is 19.75'X27.5' (543.125 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:

- According to the applicants submitted construction plans, stamped received "Oct 28 2019", the proposed apartment floor area is 19.75'X27.5' (543.125 square feet).

(c) Maximum of one bedroom.

ZONING NOTES:

- The applicant indicates one proposed bedroom.

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

ZONING NOTES:

- The applicant indicates a "garage" and "work space" on the ground floor. Applicant does not define the proposed "work space" use. Zoning Board of Adjustment interpretation required.

(e) Living accommodations on the second floor only.

ZONING NOTES:

- The applicant indicates the living accommodations on the second floor only.

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

ZONING NOTES:

- According to the applicants plans the proposed (peak) height of accessory structure is 20'6".

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

ZONING NOTES:

- According to the applicants plans the proposed garage eave height is 8.5'.

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

ZONING NOTES:

- According to the applicants submitted plans there are two garage doors. The applicant does not indicate the proposed number of internal parking spaces on the submitted plans or on the zoning permit application. Zoning Board of Adjustment interpretation is required.

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

ZONING NOTES:

- According to the submitted plans the applicant is proposing to construct a second story structure, the applicant identifies as a deck on the submitted survey. Zoning Board of adjustment review and interpretation is required.

(j) Exterior staircases are not permitted.

ZONING NOTES:

- The applicant does not indicate any exterior staircases on the submitted plans or survey.

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

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

ZONING NOTES:

- The property is located on a corner lot. The applicant is proposing a garage apartment on a corner lot. Zoning Board of Adjustment approval is required.

AREA, YARD, AND BUILDING REQUIREMENTS:

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

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

ZONING NOTES:

- The existing nonconforming garage is setback 1.36' from the proximal side yard lot line. The applicant is proposing no change in the setback. Zoning Board of Adjustment approval is required.

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

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

ZONING NOTES:

-The existing nonconforming garage is setback 1.46' from the rear yard lot line. The applicant is proposing no change in the setback. Zoning Board of Adjustment approval is required.

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

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

ZONING NOTES:

- The applicant is proposing a distance of 20' from the primary structure.

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

(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 543.125 square feet.

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

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

ZONING NOTES:

- According to the applicants plans the proposed (peak) height of accessory structure is 20'6".

NONCONFORMING USES, STRUCTURES, AND LOTS:

Per Land Development Ordinance section 450-12-B-(2):

B. No existing use, structure or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, unless it is changed to a conforming use or structure except as follows:

(2) Normal maintenance and repair of a structure containing a nonconforming use is permitted, provided that it does not extend the area or volume of space occupied by the nonconforming use or structure and does not increase the intensity of use. Nothing in this section shall prevent the restoring to a safe or lawful condition any part of any structure declared unsafe by the Construction Official.

ZONING NOTES:

- The applicant is proposing an expansion and change of use of a nonconforming garage into a nonconforming garage apartment. 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 into the required 5' side yard setback. 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,



George Waterman, Zoning Official

