

September 10, 2020

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

**Re: Levine Residence  
Block 48, Lot 2  
413 Brinley Avenue  
Our File BBBA 20-17**

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:

- A building permit plot plan consisting of one (1) sheet prepared by Mathew R. Wilder, P.E. of Morgan Engineering & Surveying, LLC, dated February 3, 2020, with no revisions.
- An architectural plan (Modular Home Construction) consisting of twenty-nine (29) sheets prepared by Simplex Homes and approved by Michelle Floyd of PFS Corporation Northeast Region dated August 4, 2020, with no revisions.
- An architectural plan (for the porch and attached garage) consisting of seven (7) sheets prepared by Kenneth S. Kwiecinski, R.A. of Kwiecinski & Associates Architects dated March 20, 2020, with no revisions.
- A boundary and topographic survey prepared by David J. Von Steenburg, P.L.S. of Morgan Engineering and Surveying, LLC, dated January 14, 2020, with no revisions.

This application is 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. **Project Description**

- A. The property is located at house number 413 Brinley Avenue (Lot 2, Block 48) with a total area of approximately 7,500 square feet.

- B. The existing lot contains two dwellings and driveway.
- C. The Applicant is to remove the two-family dwelling and proposing a single-family dwelling with attached garage and front porch. The detached apartment is to remain.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and a single-family dwelling is a permitted principal use in this zone.
- B. The proposed improvements require Board Approval for variances on use, building coverage, half story, distance between dwellings, driveway setback, driveway surface, and others as described in this report.

3. **Variances and Waivers**

- A. In accordance with Section 450-15, there shall not be more than one (1) principal building erected on any lot. The Applicant is removing the two-family dwelling and proposing a single-family dwelling with attached garage. The property will have a single-family dwelling and a two-story apartment, which is two principal dwellings on one (1) lot. **A use variance is required.**

1) **Criteria for Use Variance Relief**

This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(1). Testimony is required to demonstrate that the application satisfies the positive and the negative criteria of the Municipal Land Use Law for the granting of the use variance relief. Consequently, the Applicant must demonstrate the following:

a) Positive Criteria

- (1) *That the site is particularly suited to the use.*
- (2) *There are special reasons that allow a departure from the zoning regulations in this particular case.* In general, to show special reasons, the granting of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-70d(1)).

b) Negative Criteria

- (1) *That the variance can be granted without substantial detriment to the public good.* This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
- (2) *That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance.* The Applicant needs to provide an enhanced quality of proof that the use variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance.

B. In accordance with 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)(f), the minimum rear yard setback permitted is 25 feet. The Applicant is proposing a rear yard setback of 52.1 feet to the north building, which conforms.

The existing rear yard setback is 12 inches to the south building, which represents an existing non-conformity.

- 2) In accordance with Section 450-26.D.(1)(g), the maximum building height permitted is 35 feet and 2 ½ stories. The Applicant is proposing a building height of 33.42 feet, which conforms.

The half story is a story under a sloping roof, which may have dormers with windows, have a floor area not exceeding 50% of the floor area below it. The Applicant indicates a floor area of 618.26 square feet. Our office calculated the second-floor area of approximately 1,198 square feet. The attic floor area is greater than 50% of the floor below and is not a half story by the Borough's definition. **A variance is required.**

- 3) In accordance with Section 450-26.D.(1)(h), the maximum building coverage permitted is 35%. The building area is the total of areas taken on a horizontal plan at the main grade level of the principal building, accessory buildings, and other roofed areas and overhangs, but excluding uncovered porches, terraces, decks and steps less than 3 feet above ground level. The Applicant indicates a building coverage of 34.86%, which did not include the shed and covered front porch. Our office calculates a building coverage of 40.4% which includes principal dwelling and covered front porch, the apartment at the rear of the property and shed. **A variance is required.**

- 4) In accordance with Section 450.26.D.(1)(j), the minimum off-street parking is two (2) spaces per dwelling unit. The property has two dwelling units which require four (4) spaces. Testimony should be provided on the locations of the off-street parking.
  - 5) In accordance with Section 450.26.D.(1)(m), the minimum distance from primary structure is 20 feet. The Applicant is proposing a distance of approximately 14 feet between the dwelling and apartment. **A variance is required.**
- C. In accordance with Section 450-41, residential parking and driveway requirements, the following variances or existing non-conformities are noted below:
- 1) In accordance with Section 450-41.A(1), driveway and parking areas installed for one and two-family dwellings shall be a minimum of 8 feet in width inside the property line and shall be located a minimum of 3 feet from a side lot line. The Applicant is proposing a driveway width of 8 feet, which conforms.

The Applicant is proposing a driveway setback of 1 foot from the west side property line. **A variance is required.**

- 2) In accordance with Section 450-41.A(6), driveway and parking areas shall be improved with 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 Applicant is proposing a gravel driveway between the dwelling and the apartment. **A variance is required.**

#### 4. General Comments

- A. The Applicant should provide testimony on the rooftop deck being proposed over the garage.
- B. The Applicant should provide testimony and architectural plans for the detached existing apartment. The plan should include the number of dwelling units and bedrooms in the structure as well as any proposed improvements to the building.
- C. A 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.
- D. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must be restored with natural grass turf.
- E. The Applicant should provide information that taxes are currently paid.

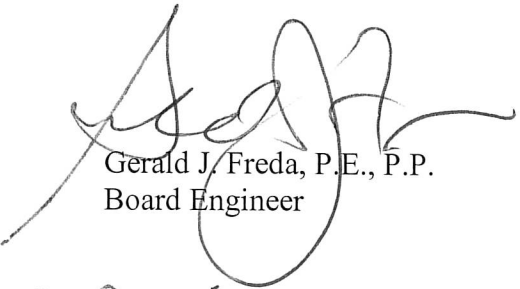
- F. The Applicant shall secure any and all construction permits needed for the project.

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  
Mark R. Aikins, Esq., Applicant's Attorney  
Mathew R. Wilder, P.E., Applicant's Engineer  
Kenneth S. Kwiecinski, R.A., Applicant's Architect

BB/BA/20/20-17