



Borough of Bradley Beach
ZONING OFFICER
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Application Date: 6/22/2020
Application Number: ZA-20-0108
Permit Number: _____
Project Number: _____
Fee: \$45

Denial of Application

Date: 7/2/2020

To: RICH & MICHELLE LEE
507 PARK PLACE AVE
BRADLEY BEACH, NJ 07720

CC: APP
APP

MAIL.COM

RE: 507 PARK PLACE AVE
BLOCK: 21 LOT: 5 QUAL: ZONE: R-1

DEAR RICH & MICHELLE LEE,

26FT, 2.5 STORY ADDITION; TOTAL HABITABLE SF - 2,055 SF AND 388 SF COVERED EXTERIORS; 3 PARKING SPACES. NO CHANGE TO: LOT WIDTH & LOT DEPTH, FRONT YARD SETBACK (14.5FT), FRONT PORCH SETBACK (9FT).
SIDE YARD SETBACK = 2.3 FT & 14.4 FT.
REAR YARD SETBACK = 39.3 FT.
LOT WIDTH = 50 FT, LOT DEPTH = 100FT.

Your request is hereby denied based upon the following requirements:

The following comments were made during the denial process:

This zoning permit application submission received on June 22, 2020, consists of:

- One (1) copy of the Zoning Permit Application
- One (1) copy of the Building and Lot Coverage Calculation Sheet
- Two (2) copies of the Survey of Property by Charles Surmonte P.E. & P.L.S., dated 05-04-20
- Two (2) copies of the Compliance Certificate
- Two (2) copies of the Site Plan with Construction Plans by Shissias Design + Development, dated 07-02-20

ZONING PERMIT APPLICATION INFORMATION SHEET:

With each Zoning Permit Application you are required to submit: two (2) copies of a current survey/site plan and two (2) set of construction plans. Survey's must show the existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations and easements, all drawn to scale. All surveys must be prepared by a land surveyor. Survey information may be transposed to a site plan if the date of the survey and by whom and for whom it was prepared is noted on the site plan. Vegetation, general floodplain determinations or general location of existing utilities, buildings or structures may be shown by an architect, planner, engineer, land surveyor, certified landscape architect or other person acceptable to the reviewing governmental body. On all plans you are responsible for showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of all existing and proposed structures and substructures (drawn to scale), the number of dwelling units the structure is designed to accommodate, the number and location of off-street parking spaces and off-street loading areas and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

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

The property is located within the R-1 Zone. The applicant indicates the present zoning use of the property to be "Single Family Dwelling w/ Accessory Nonconforming Garage", and the proposed zoning use of the property to be "Residential Addition".

The applicant describes the proposed work in detail:

"26FT, 2.5 story addition: Total habitable SF - 2,055 SF and 388 SF covered exteriors; 3 parking spaces. No change to: Lot Width & Lot Depth, Front Yard Setback (14.5 FT), Front Porch Setback (9 FT).

Side Yard Setback = 2.3 FT & 14.4 FT
Rear Yard Setback = 39.3 FT
Lot Width = % - FT, Lot Depth = 100 FT

The applicant does not describe all proposed work in detail, or identify all structures as defined by the Zoning Ordinance.

In reviewing the submitted documents, it appears the applicant is proposing work in reference to:

- Nonconforming Uses, Structures, and Lots
- R-1 Residential Single-Family Zone
- ATTACHMENT 1 - SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS
- Definitions: Half Story
- Permitted Yard Encroachments: Open Unscreened Entrance Porch
- Permitted Yard Encroachments: Patio
- Permitted Yard Encroachments: Chimney
- Permitted Height Exceptions: Chimney
- Performance Standards For All Uses: Ventilation
- Driveway Requirements
- Residential Parking and Driveway Requirements: One - and Two - Family Uses

NONCONFORMING USES, STRUCTURES, AND LOTS:

Land Development Ordinance section 450-12:

The following provisions shall apply to valid nonconforming uses structures and lots at the time of adoption of this section:

A Any noncompliant use, structure, and/or lot, which is lawfully in existence prior to the effective date of these Land Development Ordinance revisions,[1] shall be deemed nonconforming at the passage of this section, or any applicable amendment thereto, and may be continued as otherwise provided in this section.

[1] Editor's Note: Ord. No. 2018-24, adopted 1-8-2019, became effective 20 days after passage by the Mayor and Council and publication according to law.

ZONING NOTES:

- The existing principal structure is nonconforming as it does not comply with the current setback requirements.
- The existing garage apartment is nonconforming as it does not comply with the existing setback requirements.

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:

(1) Any nonconforming structure or use partially destroyed by fire or other natural calamity may be restored, reconstructed or used as before; provided, that neither the volume such use or structure nor the floor area shall exceed that which existed prior to such damage; and, provided further, that such restoration shall be in accordance with the following:

- (a) It shall be completed within two years of such damage.
 - (b) Except for the previous nonconformance, it shall be in accordance with all other requirements of this chapter.
- (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.
- (3) A building containing a residential nonconforming use may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of bedrooms or dwelling units.

ZONING NOTES:

- The existing Single Family Dwelling use of the property is conforming.
- The existing Accessory Garage Apartment use is conforming.

C Nonconforming uses and structures are considered terminated and shall not be revived in any way except as a conforming use or structure in accordance with the following:

(1) A nonconforming use or structure abandoned in accordance with this section and accompanied by an intent on the part of the owner to abandon such use as evidenced by some act or failure to act which carries with it a sufficient implication that the owner neither claims nor retains any interest in the subject matter of the abandonment shall be considered a termination thereof. Such implication shall be rebuttably presumed by nonuse for any period of two or more years. Nonuse by successive owners shall be considered continuous nonuse.

(2) The change of a nonconforming use or structure to a more or entirely conforming use for any period of time shall be considered an abandonment of the previous nonconforming use, and a reversion to the previous nonconforming use shall not be permitted.

(3) Abandonment of nonconforming use: A nonconforming use shall be deemed to be abandoned where there is an intention to abandon as well as an external act (or omission to act) by which such intention is carried into effect.

(a) It shall be prima facie evidence that a nonconforming use shall be deemed to be abandoned when there occurs a cessation of such use on the part of a tenant or owner for a continuous period of at least two years.

ZONING NOTES:

- The applicant indicates the proposed demolition of the existing driveway.
- The applicant indicates the proposed demolition of the existing nonconforming rear porch.
- The applicant indicates the proposed demolition of the existing nonconforming Accessory Structure labeled "outdoor shower".
- The applicant is proposing to relocate the existing condenser units.
- The applicant indicates the proposed demolition of one of the existing patios in the rear yard area.
- The applicant indicates the proposed demolition of existing walkways.

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 indicates the proposed enlargement, extension, increased width, and modification in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms. The proposed enlargement, extension or addition does not conform to all zone requirements. Per Ordinance section 450-26-D-(m) the minimum required distance an accessory structure can be away from the primary structure is 20 feet. The applicant indicates that the proposed residential addition shall be setback 18.5' from the existing Accessory Garage Apartment. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment

E The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply for, in writing, the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the responsibility of affirmatively proving the preexisting nonconforming use or structure. Application pursuant hereto may be made to the Zoning Board of Adjustment Administrative Officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Zoning Board of Adjustment.

ZONING NOTES:

- N/A

F Existence and continuance. At the date of adoption of this chapter any lot, building or structure which has been and is still being used for a purpose which does not conform to the requirements of the particular zone where the lot, building or structure is situated and which use is lawful and properly licensed, if required, and is not prohibited by any other existing ordinance of the Borough or any statute of the State of New Jersey or the United States of America, the use may be continued, subject to other provisions contained in this section and any change of title or possession shall not affect the continuance of such existing use. The existing use may be continued as aforesaid, provided further however, that:

(1) No nonconforming lot shall be further reduced in size.

(2) No nonconforming building shall be enlarged, extended or increased, unless such enlargement would tend to reduce the degree of nonconformance.

(3) No nonconforming use may be expanded.

(4) No structural alterations or changes shall be made to any building, accessory building, garage or structure containing a nonconforming use.

(5) No structural alterations shall be made in any building or structure containing a nonconforming use, to change such a building or structure to another or an additional nonconforming use.

(6) No building shall be constructed upon a conforming lot which lot contains a nonconforming building or use.

(7) Any existing lot on which a building or structure is located and which lot does not meet the minimum lot size, or a structure which violates any yard requirements, may have additions to the principal building and/or construction of an accessory building without an appeal for variance relief provided the existing use(s) on the lot are conforming to the permitted use(s) stipulated in this chapter for the lot in question; the permitted building coverage is not exceeded; the accessory building and/or addition do not violate any other requirements of this chapter, such as, but not limited to, height, setback and parking; the property owner has filed a zoning permit application with the Building Department which the zoning reviewer has determined meets the requirements in this chapter; the property owner files for an informal hearing to the Bradley Beach Planning Board accompanied by a check in the amount of \$125 made payable to the Borough of Bradley Beach.

(8) Neither the volume or the floor area shall be greater than existed prior to the damage.

ZONING NOTES:

- N/A

R-1 RESIDENTIAL SINGLE-FAMILY ZONE:

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 5,000 square feet.

(b) Minimum lot width: 50 feet.

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

ZONING NOTES:

- The applicant indicates the lot width to be 50 feet.

(c) Minimum lot depth: 100 feet.

ZONING NOTES:

- The applicant indicates the lot depth to be 100 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 indicates the existing principal structure to be setback 14.5' from the front yard property lines. The existing principal structure does not comply with the current setback requirements.

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

ZONING NOTES:

- The applicant indicates the existing principal structure to be setback 2.3' and 31' from the side yard property lines. The existing principal structure does not comply with the current setback requirements.

(f) Minimum rear yard: 25 feet.

ZONING NOTES:

- The applicant indicates the existing principal structure to be setback 41' from the rear yard property line.

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

ZONING NOTES:

- The applicant indicates the proposed principal structures peak height to be 25.7'.

(h) Maximum building coverage: 35%.

ZONING NOTES:

- The applicant indicates the proposed building coverage to be 34.4%.

(i) Maximum impervious coverage: 60%.

ZONING NOTES:

- The applicant indicates the proposed impervious coverage to be 59.5%.

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

ZONING NOTES:

- The applicant indicates the proposed minimum off-street parking for the principal structure to be 3.

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

ZONING NOTES:

- The applicant indicates the existing Accessory Garage apartment to be setback 11.8' and 24.5' from the side yard property lines.

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

ZONING NOTES:

- The applicant indicates the existing Accessory Garage Apartment to be setback 2.4' from the rear yard property line. The existing Accessory Garage Apartment does not comply with the current setback requirements.

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

ZONING NOTES:

- The applicant indicates the existing Accessory Garage Apartment to be setback 18.5' from the principal structure. The existing Accessory Garage Apartment does not comply with the current setback requirements.
- The applicant indicates the proposed construction of a residential addition. The proposed residential addition shall be setback 18.5' from the existing Accessory Garage Apartment. The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment

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

ZONING NOTES:

- The applicant indicates the existing Accessory Garage Apartment building area as 278.4.

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

ZONING NOTES:

- The applicant is not proposing construction to the existing nonconforming Accessory Garage Apartment, therefore there are no construction plans submitted with this Zoning Permit Application displaying the height.

ATTACHMENT 1 - SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS:

Attachment 1 states:

Zone District: R-1

ZONING NOTES:

- The property is located within the R-1 Zone

Use: All

ZONING NOTES:

- The present zoning use of the property is a Single Family Dwelling.
- The applicant certifies that the premises has not been the subject of any prior application to the Zoning Board of Adjustment or Planning Board.

Location: Interior lot, Corner lot

ZONING NOTES:

- The property is identified as an interior lot.
- Per Land Development Ordinance section 450-4 an interior lot is defined as "A lot other than a corner lot."

DEFINITIONS: HALF STORY

Land Development Ordinance section 450-4 states:

HALF STORY = A story under a sloping roof, which may have dormers with windows, having a floor area not exceeding 50% of the floor area below it. The roof rafters shall intersect the exterior wall within one foot of the floor of said half story.

[Amended 12-29-2006 by Ord. No. 2006-22; 10-27-2009 by Ord. No. 2009-12]

ZONING NOTES:

- The applicant indicates that there is no half story above the existing and proposed second story.

PERMITTED YARD ENCROACHMENTS: OPEN, UNSCREENED ENTRANCE PORCH

Land Development Ordinance section 450-13-A states:

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

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 indicates the proposed construction of an open, unscreened entrance porch leading to the first floor. The applicant indicates the proposed open, unscreened entrance porch projects more than eight feet in depth into the front yard setback. The applicant does not display compliance with this Land Development Ordinance requirement. The applicant does not display any encroachments into the side yard setback with the proposed open, unscreened entrance porch (wraparound porch) addition. Zoning Board of Adjustment approval is required.

PERMITTED YARD ENCROACHMENTS: PATIO

Land Development Ordinance section 450-13-E states:

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 a patio at ground level in the rear yard area.

PERMITTED YARD ENCROACHMENTS: CHIMNEY

Land Development Ordinance section 450-13-F states:

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 indicates the proposed chimney does not project into any required yard areas.

PERMITTED HEIGHT EXEMPTIONS: CHIMNEY

Land Development Ordinance section 450-14-A states:

A The height limitations of this chapter shall not apply to freestanding flag poles, church spires, belfries, domes, antennas attached to buildings, none of which are to be used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads and the necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall not exceed in coverage 20% of the total building area and shall not exceed a height necessary to accomplish the purpose that they are intended to serve.

ZONING NOTES:

- The applicant indicates the proposed chimney shall not exceed in coverage 20% of the total building area and shall not exceed a height necessary to accomplish the purpose that they are intended to serve.

PERFORMANCE STANDARDS FOR ALL USES: VENTILATION

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 relocate the existing condenser units to the rear of the principal structure. The proposed condensers shall be setback 10' and 33.5' from the side yard property lines, and 37.5' from the rear yard property line.

DRIVEWAY REQUIREMENTS:

Land Development Ordinance section 450-40:

The following specific regulations apply to the installation of driveways accessing surface or structured parking facilities in the Borough of Bradley Beach:

A Prior to the installation of any driveway, a curb cut permit shall be obtained. A permit survey or diagram accurately depicting the proposed driveway shall be submitted to the Zoning Officer and shall clearly indicate the proposed location, width and length of driveway. Information sufficient to determine the type of materials to be used, as well as any markings or signage, shall also be submitted. The Zoning Officer shall provide the applicant with a design detail for the construction of a concrete apron, as provided by the Borough Engineer, and the applicant shall construct such apron in accordance with the specifications thereon.

ZONING NOTES:

- The applicant shall be provided a copy of a design detail for the construction of a concrete apron, as provided by the Borough Engineer with this Zoning Determination.

B Except as otherwise specified in this section, no driveway shall enter any public road, street or highway at a point closer than 50 feet from any street intersection, measured from the face of the curb of the intersecting street, to the center line of the proposed driveway.

C As currently existing, a driveway that provides common access to two adjoining properties shall be considered as a single driveway for the purpose of this section. Common driveways shall not be permitted within the Borough of Bradley Beach.

RESIDENTIAL PARKING AND DRIVEWAY REQUIREMENTS:

Land Development Ordinance section 450-41 states:

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 indicates the proposed construction of a 9' wide Driveway, 3' from the proximal side yard property 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 curbline. 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:

- Code Enforcement review and approval is required.

(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 construction of a 9' wide Driveway.

(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 construction of a 54' in length Driveway.

(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 applicant indicates the property is not located on a corner.

(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:

- To be reviewed and approved by the Borough Engineer.

(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:

- To be reviewed and approved by the Borough Engineer.

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

Returned to the applicant:

- One (1) copy of the Zoning Determination
- One (1) copy of the Survey of Property by Charles Surmonte P.E. & P.L.S., dated 05-04-20
- One (1) copy of the Compliance Certificate
- One (1) copy of the Site Plan with Construction Plans by Shissias Design + Development, dated 07-02-20

Sincerely,



GEORGE WATERMAN, ZONING OFFICIAL