



Borough of Bradley Beach
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Application Date: 6/30/2020
Application Number: ZA-20-0118
Permit Number: _____
Project Number: _____
Fee: \$45

Denial of Application

Date: 7/13/2020

To: FRANK & STACEY CAPONEGRO
510 FOURTH AVE
BRADLEY BEACH, NJ 07720

CC: [REDACTED]
[REDACTED]

RE: 510 FOURTH AVE
BLOCK: 56 LOT: 15 QUAL: ZONE: R-1

DEAR FRANK & STACEY CAPONEGRO,
SECOND STORY ADDITION

Your request is hereby denied based upon the following requirements:

The following comments were made during the denial process:

This zoning permit application submitted on June 30, 2020 consists of:

- One (1) copy of the Zoning Permit Application
- One (1) copy of a letter of correspondence dated 06-29-2020
- Two (2) copies of the Site Plan with Construction Plans by Shore Point Architecture, dated 06-26-2020

The applicant/property owner does not indicate if the premises has been the subject of prior application to the Zoning Board of Adjustment or Planning Board.

The property is located within the R-1 Zoning District. The applicant/property owner indicates the use of the property to be "R-1". This is false. The present use of the property is a Single Family Dwelling.

The applicant describes the proposed work in detail:
"Second Story Addition"

The applicant does not describe all proposed work and structures as defined by the Land Development Ordinance in the detailed description and in the submitted plans.

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

- Definitions
- Nonconforming Uses, Structures, and Lots
- Permitted Yard Encroachments: Front Open Uncovered Or Unroofed Deck
- Permitted Yard Encroachments: Cornices, Eaves, Gutters, Sills, Belt Courses, Chimneys, Flues, Buttresses And Ornamental Features
- R-1 Residential Single-Family Zone

DEFINITIONS:

Per 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 the proposed Half Story to be 13.9% of the floor area below it.

NONCONFORMING USES, STRUCTURES, AND LOTS:

Ordinance section 450-12-A states:

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 applicant/property owner does not indicate if the premises has been the subject of prior application to the Zoning Board of Adjustment or Planning Board.
- The existing principal structure is nonconforming as it does not comply with the current setback requirements.
- The existing front porch is nonconforming as it does not comply with the current ordinance requirements.
- There is an existing A/C condenser unit that presents with an encroachment onto the neighboring property.
- There are existing accessory structures on the property that are nonconforming.
- The existing impervious coverage exceed the maximum permitted.

Ordinance section 450-12-D states:

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

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 construct a second story addition above the existing first story. The applicant indicates the proposed enlargement does not conform to the side yard setback. The applicant does not display compliance with this ordinance requirement. Zoning Board of Adjustment approval is required.

PERMITTED YARD ENCROACHMENTS: FRONT OPEN UNCOVERED OR UNROOFED DECK:

Ordinance section 450-13-B states:

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

B An open uncovered or unroofed deck leading to the second floor, directly above the open unscreened porch as indicated in Subsection A, also not projecting more than eight feet in depth and not exceeding the width of the existing or proposed structure into the required front yard. Said porch or deck will have open rails or spindles and can be cantilevered, with no retractable awnings or pressure-treated flooring or railings.

ZONING NOTES:

- The applicant indicates the proposed construction of a Front Open Uncovered Or Unroofed Deck (improperly identified as "Upper Porch (Uncovered)").
- The applicant indicates the proposed Front Open Uncovered Or Unroofed Deck directly above the open unscreened porch.
- The applicant indicates the proposed Front Open Uncovered Or Unroofed Deck to project less than 8' in depth into the required front yard setback.
- The applicant indicates the proposed Front Open Uncovered Or Unroofed Deck does not exceed the width of the existing structure.
- The applicant indicates the proposed Front Open Uncovered Or Unroofed Deck CPVC Railing System. The applicant does not display compliance with this Ordinance requirement. Zoning Board of Adjustment approval is required.

PERMITTED YARD ENCROACHMENTS: CORNICES, EAVES, GUTTERS, SILLS, BELT COURSES, CHIMNEYS, FLUES, BUTTRESSES AND ORNAMENTAL FEATURES:

Ordinance section 450-13-F states:

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 projections of cornices, eaves, gutters, sills, belt courses, chimneys, flues, buttresses and ornamental features that project more than 24 inches into the required side yard setback area. The applicant does not display compliance with this Ordinance requirement. Zoning Board of Adjustment approval is required.

R-1 RESIDENTIAL SINGLE-FAMILY ZONE:

Ordinance section 450-26-D states:

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 7,500 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 150 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 applicant indicates the front yard setback to be 25'

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

ZONING NOTES:

- The applicant indicates the side yard setback to be 2.5' and 11'.

(f) Minimum rear yard: 25 feet.

ZONING NOTES:

- The applicant indicates the rear yard setback to be 81'

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

ZONING NOTES:

- The applicant indicates the proposed building height to be 29.9' (2 1/2 stories)

(h) Maximum building coverage: 35%.

ZONING NOTES:

- The applicant indicates the proposed building coverage to be 32.4%

(i) Maximum impervious coverage: 60%.

ZONING NOTES:

- The applicant indicates the existing and proposed impervious coverage to be 67.7%

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

ZONING NOTES:

- The applicant does not indicate the number of off-street parking spaces.

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

ZONING NOTES:

- There are existing accessory structures on the property that are nonconforming.

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

ZONING NOTES:

- The accessory structures are setback more than 5' from the rear yard lot line.

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

ZONING NOTES:

- The existing permitted accessory use (An outdoor barbecue structure) does not comply with the setback requirement.

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

ZONING NOTES:

- The existing permitted accessory use (Garage apartment) does not comply with this ordinance requirement.

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

ZONING NOTES:

- The applicant is not proposing construction to any accessory structures with this Zoning Permit Application, therefore no plans for the accessory structures have been submitted.

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

*Returned:

- One (1) copy of the Zoning Determination

- One (1) copy of the Site Plan with Construction Plans by Shore Point Architecture, dated 06-26-2020

Sincerely,



GEORGE WATERMAN, ZONING OFFICIAL