

December 21, 2020
Revised March 8, 2021

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

**Re: Cioffi Residence
Block 34, Lot 3
511 McCabe Avenue
Our File BBBA 20-22**

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 plot plan consisting of one (1) sheet prepared by Daniel W. Caruso, P.E. of Landmark Surveying and Engineering, Inc., dated February 26, 2020, with the latest revisions dated February 8, 2021.*
- *An architectural plan consisting of five (5) sheets prepared by Edward S. Gorleski, AIA of The Creative Minds Group, Architecture, LLC, dated January 25, 2021, with no revisions.*
- A boundary and topographic survey consisting of one (1) sheet prepared by Zenon T. Grybowski, P.L.S., P.P. of Landmark Surveying and Engineering, Inc., dated July 20, 2016, 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:~~ *Additional comments with regard to the revised plans and information are noted in bold italic type. Our original review comments remain as noted in the letter dated December 21, 2020. The revised plans have been reviewed and we report as follows:*

1. **Project Description**

- A. The property is located at house number 511 McCabe Avenue (Lot 3, Block 34) with a total area of approximately 8,175 square feet.

- B. The existing lot contains two dwellings and gravel driveway.
- C. The Applicant is removing the front 2 ½ story dwelling and proposing a larger and more compliant 2 ½ story single family dwelling. The rear dwelling 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, deck height, ~~driveway width, curb cut,~~ ***projection of the upper story,*** 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 proposing two (2) principal dwellings on one (1) lot. **A use d (2) variance is required.**
 - 1) A d (2) use variance for the expansion of a non-conforming use is required. To obtain a d (2) use variance, the Applicant must show that the proposal meets three separate criteria.
 - a) **Special Reasons.** Proving the positive criteria for d (2) variances is set at a lower bar than for a new non-conforming use. Proof should still be proffered that demonstrates the furtherance of a goal of zoning.
 - b) **Intent of the Zone Plan (negative criterion # 1).** The Applicant must prove that the proposed expansion does not substantially impair the intent of the zoning ordinance or master plan.
 - c) **Detriment to the Public Good (negative criterion # 2).** The Applicant must prove that the expansion of the proposed use would not have a substantial detriment on nearby properties.
- B. In accordance with Section 450-13, permitted yard encroachments the following variances or existing non-conformities are noted below:
 - 1) In accordance with Section 450-13.D., a projection of the upper stories of a structure containing a primary permitted use, beyond the building line of the lower stories of not more than 24 inches, shall

be permitted, provided the projection does not encroach into any required yard area and does not violate the covenants of any deed or deeds to the property upon which the projection is made. The architectural plan indicates a projection of the second floor at the front of the proposed dwelling. ~~The Applicant should provide information that the projection at the front of the proposed dwelling complies with this ordinance.~~ This projection appears to comply with the front yard setback ~~and the allowed 24 inches beyond the lower story.~~ ***But the project is 35-inches beyond the first floor. A variance is required.***

- 2) In accordance with Section 450-13.E., an open and uncovered and unroofed deck or patio not more than 3 feet above ground level may extend into a required side or rear yard to within 5 feet of a side or rear property line. This restriction shall not apply to such patios if constructed at ground level. The Applicant is proposing a deck at the rear of the north (front) dwelling, which is approximately ~~6 feet~~ ***4.5 feet*** above *existing* grade. ~~The~~ ***A variance is required for the height of the deck above grade.***
- C. In accordance with Section 450-26.D., area, yard and building requirements, the following variances or existing non-conformities are noted below:
- 1) The Applicant's zoning data on the plot plan indicates the south (rear) dwelling as an accessory structure and its bulk requirement. The south (rear) dwelling is a principal structure, and the principal building requirements apply. The zoning data on the plot plan should be revised.
 - 2) 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 82.5 feet to the north (front) dwelling, which conforms.

The existing rear yard setback is 2.5 inches to the south (rear) dwelling, which represents an existing non-conformity.
 - 3) 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 ~~34.5 feet, which conforms.~~ ***34.17 feet and 2 ½ stories, which both conform.***

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. Our office calculated the second-floor area of approximately 1,240 square feet and half story area of approximately 540 square feet. The half story conforms. The Applicant should provide supporting area calculations for the half story compliance.

- 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. The Applicant is proposing 4 off-street parking spaces, which conforms.

D. 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 ~~25.17 feet~~ **9.5 feet**, which conforms.

~~The existing driveway setback is inches of the side property line, which represents an existing non-conformity. The proposed driveway setback is 3 feet, which conforms.~~

- 2) In accordance with Section 450-41.A.(2), a curb cut 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 curblines. 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. The Applicant is proposing a curb cut of ~~24.77 feet~~ **12.0 feet, which conforms. A variance is required.**

The Applicant is proposing a driveway apron width of ~~25.17 feet~~ **9.5 feet** at the property line and ~~24.77 feet~~ **12.0 feet** at the curblines. ~~Two variances are required. Both of the requirements conform.~~

The Applicant should provide a detail of the proposed driveway apron.

- 3) In accordance with Section 450-41.A(3) a driveway or parking area 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. ~~The existing gravel driveway to remain represents an existing non-conformity. The Applicant should provide the surface for the new driveway.~~

The Applicant is proposing a **an asphalt** driveway width of ~~25.17 feet~~ **9.5 feet, which conforms. A variance is required.**

- 4) 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 existing gravel driveway represents an existing non-conformity. ~~The Applicant should provide the surface for the new driveway.~~
The Applicant is proposing an asphalt driveway.

4. **General Comments**

- A. The Applicant should provide a grading plan.
- B. 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.
- C. 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.
- D. The Applicant should provide information that taxes are currently paid.
- E. 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
Michael J. Wenning, Esq., Applicant's Attorney
Daniel W. Caruso, P.E., Applicant's Engineer
Edward S. Gorleski, AIA, Applicant's Architect

BB/BA/20/20-22a