

November 18, 2020

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

**Re: Ochy Residence
Block 80, Lot 22
514 Monmouth Avenue
Our File BBBA 20-20**

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 copy of the plan of survey indicating the location of the proposed spa. The plan does not indicate the person that prepared the plan showing the spa location. This copy of the plan of survey consisting of one (1) sheet was prepared by Charles O'Malley, P.L.S. with a date of August 3, 2020, with no revisions.

The application has been deemed complete. Our office has based our review on the above referenced plan which is slightly out of scale. Our office has reviewed the plans to determine if they conform with the requirements of the Borough Ordinance and report as follows:

1. **Property Description**

- A. The property is located at house number 514 Monmouth Avenue (Lot 22, Block 80) with a total area of 6,400 square feet.
- B. The existing lot contains a one-story dwelling with a detached garage and inground swimming pool.
- C. The Applicant is proposing a spa to the west of the detached garage.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone. The existing single-family dwelling is a permitted principal use in this zone.

- B. The proposed spa is a permitted accessory uses in this zone.
- C. The proposed improvements require Board Approval for variances with separation between spa and accessory structure, and others described in this report.

3. **Variances and Waivers**

- A. In accordance with Section 450-26.(B)(4), a private swimming pool (spa), is subject to the requirements and limitations of Chapter 406, Swimming Pools. The following variances or existing non-conformities are noted below:
 - 1) In accordance with Section 406-4.A., a swimming pool and its accessories thereto shall be permitted in the rear yard only. The existing swimming pool is in the rear yard, which complies. The Applicant is proposing the spa in the rear yard, which complies.
 - 2) In accordance with Section 406-4.B.(1), the minimum setback from the side lot line to the spa is 6 feet. The Applicant is proposing a west side setback of 8 feet to the spa, which complies.
 - 3) In accordance with Section 406-4.B.(2) the minimum setback from the rear lot line to the spa is 6 feet. The Applicant is proposing a rear setback of 17 feet to the spa, which complies.
 - 4) In accordance with Section 406-4.B.(3), the minimum setback from the primary structure to the spa is 15 feet. The Applicant is proposing a primary structure setback of 21.1 feet to the spa, which complies.
 - 5) In accordance with Section 406-4.B.(4), the minimum setback from the accessory structure (detached garage) to the spa is 10 feet. The Applicant is proposing no separation between the spa and the detached garage. **A variance is required.**
 - 6) In accordance with Section 406-4.E.(1), the bottom of the in-ground pools shall be a minimum of the 2 feet above the seasonal high groundwater table. The Applicant is proposing the spa on grade, which conforms.

B. In accordance with Section 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)(d), the 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 setback 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. The existing front yard setback is 18.3 feet, which represents an existing non-conformity.
- 2) In accordance with Section 450-26.D.(1)(i), the maximum impervious coverage permitted is 60% of the lot area. The existing impervious coverage is 67%, which represents an existing non-conformity. The Applicant is not increasing the impervious coverage since the spa is placed on an existing impervious surface.
- 3) In accordance with Section 450-26.D.(1)(k), for accessory structure (detached garage) the minimum side yard setback is 5 feet. The existing side yard setback is 4.3 feet to the detached garage. This represents an existing non-conformity.
- 4) In accordance with Section 450-26.D.(1)(l), for accessory structure (detached garage) the minimum rear yard setback is 5 feet. The existing rear yard setback is 4.3 feet to the detached garage. This represents an existing non-conformity.

4. **General Comments**

- A. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- B. 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.

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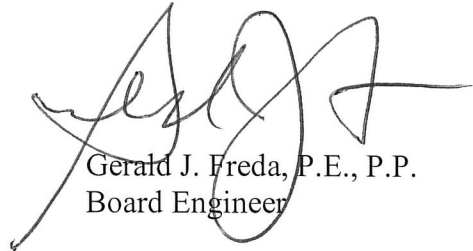
- C. The Applicant should provide information that taxes are currently paid.
- D. The Applicant shall secure any and all construction permits needed for the project.

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

DMH:mfl

cc: Kristie Dickert, Board Secretary
Mark Kitrick, Esq., Board Attorney
David Ochy, Applicant

BB/BA/20/20-20a