

June 3, 2021

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

**Re: Karabin Residence
Block 41, Lot 22
604 Madison Avenue
Our File BBBA 21-04**

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 variance plan consisting of one (1) sheet, prepared by Joseph J. Kociuba, P.E., P.P. of KBA Engineering Services, LLC, dated April 26, 2021, with no revisions.
- An architectural plan consisting of five (5) sheets prepared by Anthony J. Church, R.A. of ARCH Design Studios dated March 23, 2021, with no revisions.
- A survey of property consisting of one (1) sheet prepared by Michael J. Williams, P.L.S., of Michael J. Williams Land Surveying LLC, dated January 8, 2015, with no revisions.

This application has been 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. **Property Description**

- A. The property is located at house number 604 Madison Avenue (Lot 22, Block 41) with a total area of 2,500 square feet.
- B. The existing lot contains a two-family dwelling with living space over the existing covered porch.

- C. The Applicant is proposing alterations to the first and second floor layout, with a half story addition. Also, the Applicant is proposing an enclosed vestibule and staircase to the front of the dwelling.
- D. The plan has many discrepancies between the variance plan and architectural plan. Each plan references a different survey of property. The difference in setbacks are inches. The Applicant shall confirm all measurements and setbacks.

Our letter is based on the survey and architectural plan that were provided.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone. The existing two-family dwelling is not a permitted principal use in this zone.
- B. The proposed improvements require Board Approval for variances with use rear yard setback, driveway width, balcony location, and others described in this report. The lot has existing non-conformities with lot area and lot width. The structure has existing non-conformities with front yard setback, side yard setback and building coverage.

3. **Variances and Waivers**

- A. In accordance with Section 450-26.A, for permitted principal uses, the two-family dwelling is not listed. This represents an existing non-conforming use. The Applicant is proposing a half-story addition, which is an expansion of the non-conforming use.
 - 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.C.(6), location of balconies shall be permitted at the front(s) of the dwelling only. The Applicant is proposing balcony at the rear of the dwelling. **A variance is required.**
- C. In accordance with Section 450-13.G, air conditioners, HVAC and other mechanical equipment shall not be permitted in the required setback areas. No mechanical equipment is shown on the plan. Testimony should be provided.
- D. 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 the Section 450-26.D(1)(a), the minimum lot area is 5,000 square feet. The existing lot area is 2,500 square feet, which represents an existing non-conformity.
 - 2) In accordance with Section 450-26.D(1)(c), the minimum lot depth is 100 feet. The existing lot depth is 50.0 feet, which represents an existing non-conformity.
 - 3) In accordance with Section 450-26.D(1)(d), the minimum front yard setback permitted for a street east to west is 25 feet and for a street running north to south (Madison Avenue) is 15 feet, or the minimum depth of any front yard within the block and fronting on the same street on which the structure fronts, whichever is greater. 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 Applicant did not provide the average front yard setback.

The existing front yard setback to the first-floor porch and second floor overhang is 14.3 feet, which represents an existing non-conformity. The proposed front yard setback to the vestibule and stairs is 15.0 feet, which conforms. The proposed half story will have front yard setback greater than 15 feet, which conforms.

- 4) In accordance with Section 450-26.D(1)(e), the minimum side yard setback permitted is 5 feet and 10 feet. For lots not meeting the minimum lot width requirements that exist, the side yard setback should be 10% (2.5 feet) and 20% (5.0 feet) of the lot width. The existing west side yard setback is 3.58 feet, and the existing east side yard setback is 4.8 feet. The east side yard setback represents an existing non-conformity. The proposed vestibule and stairs comply with the east side yard setback.

The proposed west side yard setback to the half-story is greater than 5 feet, which conforms. The proposed east side yard setback to the half-story is greater than 16 feet, which conforms.

- 5) In accordance with Section 450-26.D(1)(f), the minimum rear yard setback is 25 feet. For lots not meeting the minimum lot depth requirements the rear yard setback may be reduced proportionately to the existing lot depth as a percentage of required lot depth, but in no case shall be less than 10 feet. For this lot the permitted rear yard setback is 12.5 feet. The existing rear yard setback is 3.25 feet, which represents an existing non-conformity. The half-story addition has proposed rear yard setback of 3.3 feet to the balcony.

A variance is required.

- 6) In accordance with Section 450-26.D(1)(h), the maximum building coverage permitted is 35% of the lot area. The existing building coverage of 43.63% which represents an existing non-conformity. The Applicant is not proposing to increase the building coverage as all the improvements are within the footprint of the dwelling.
- 7) 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 71.36%, which represents an existing non-conformity. The Applicant is reducing the impervious coverage to 51.32%, which conforms. The Applicant is reducing the impervious coverage by removing the concrete around the foundation of the dwelling, as shown on the variance plan.
- 8) In accordance with Section 450-26.D(1)(j), the minimum off-street parking is two (2) spaces per dwelling unit. The Applicant is proposing two (2) off-street parking space, which conforms.

- E. In accordance with Section 450-26.E.(2), the living space of single-family dwelling on lots that are either less than 4,000 square feet or less than 40 feet of frontage shall not exceed two-stories and 30 feet in height. The Applicant is proposing a 2 ½ half story dwelling at a building height of 32 feet. Variances are required for number of stories and building height.

F. In accordance with Section 450-41, residential parking and driveway requirements, the following variances or existing non-conformities are noted below:

1) Driveways and parking area shall be a minimum of 8 feet in width inside the property line and shall be located a minimum of 3 feet from the side property line. The Applicant is proposing a driveway width of 7 feet. **A variance is required.** The Applicant is proposing a driveway 5.33 feet from the east side property line. This setback conforms.

2) In accordance with Section 450-41.A(2), curb cuts shall be a maximum of 12 feet in width. The Applicant is proposing a curb cut of 12 feet, which conforms.

A driveway apron shall be a maximum of 10 feet in width at the property line and 12 feet in width at the curb line. The Applicant is proposing driveway apron of 7 feet in width at the property line and 12 feet in width at the curb line. The driveway apron conforms.

3) In accordance with Section 450-41.A(4), no driveway less than 20 feet in length shall be permitted as measured from the property line to end of the driveway. The Applicant is proposing a driveway length of 75 feet, which conforms.

4. **General Comments**

A. A grading plan should be provided to show stormwater runoff is directed towards Madison Avenue. Roof leader discharge shall be shown on the plan.

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

C. 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. 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.

604 Madison Avenue

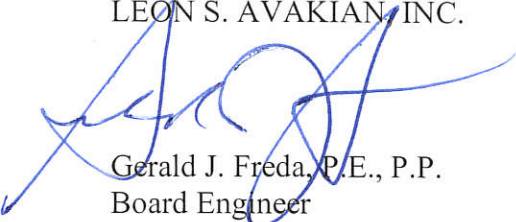
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If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

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
Jeffrey P. Beekman, Esq., Applicant's Attorney
Anthony J. Church, RA, Applicant's Architect
Joseph J. Kociuba, P.E., Applicant's Engineer
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