

December 11, 2018

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

**Re: Chu Residence
Block 9, Lot 10
318 Newark Avenue
Borough of Bradley Beach
Our File BBBA 18-12**

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:

- An architectural plan consisting of one (1) sheet prepared by Frank D. Mileto, AIA of Mileto-Godsall Associates, LLC, dated February 21, 2017, with the latest revisions dated September 3, 2018.
- A survey of property consisting of one (1) sheet prepared by Charles Surmonte, P.E. & P.L.S. dated October 15, 2015, with no revisions.

The application has been deemed complete and our office has reviewed the plans to determine if they conform with the requirements of the Borough Ordinance and report as follows:

1. **Project Description**
 - A. The property is located at house number 318 Newark Avenue (Lot 10, Block 9) with a total of 3,862 square feet.
 - B. The existing lot contains four (4) principal dwellings and other site amenities.
 - C. The Applicant is proposing to raise the existing 318 Newark Avenue (rear northeast structure) dwelling to protect it from future flooding. The remaining three (3) dwellings will not have any proposed improvements.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-family Zone and a single-family dwelling is permitted as a principal use in this zone.
- B. The proposed improvements require Board approval for variances on use and others as described in this report. The property and dwellings have many existing non-conformities, which are noted in this letter.

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 to raise the existing 318 Newark Avenue (rear northeast structure) structure, which is an expansion of a non-conforming use. This lot has four (4) principal buildings erected on one lot. **A use variance is required.**

1) **Criteria for Use Variance Relief**

This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(2). Testimony is required to demonstrate that the application satisfies the positive and the negative criteria of the Municipal Land Use Law for the granting of the use variance relief. Consequently, the Applicant must demonstrate the following:

a) Positive Criteria

- (1) *That the site is particularly suited to the use*
- (2) *There are special reasons that allow a departure from the zoning regulations in this particular case.* In general, to show special reasons, the granting of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-70d(2)).

b) Negative Criteria

- (1) *That the variance can be granted without substantial detriment to the public good.* This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

(2) *That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance.* The Applicant needs to provide an enhanced quality of proof that the use variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance.

B. This section is for the lot requirements and zoning requirements for the 318 Newark Avenue (rear northeast structure).

1) In accordance with Section 450-26.D.(1), area, yard and building requirements, the following variances or existing non-conformities are noted below:

a) In accordance with Section 450-26.D.(1)(a), the minimum lot area permitted is 5,000 square feet. The existing lot area is 3,862 square feet, which represents an existing non-conformity.

b) In accordance with Section 450-26.D.(1)(b), the minimum lot width permitted is 50 feet. The existing lot width is 33 feet, which represents an existing non-conformity.

c) 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 requirement that exists shall be 10% (3.3 feet) and 20% (6.6 feet) of lot width.

The 318 Newark Avenue (rear northeast structure) has an existing east side yard setback of 1.4 feet, which represents an existing non-conformity. The improvements are an expansion of an existing non-conformity and **a variance is required.** The existing west side yard setback is approximately 19 feet, which conforms.

d) In accordance with Section 450-26.D.(1)(h), the maximum building coverage permitted is 35% of the lot area. The lot consists of four (4) dwellings and the sum of the four (4) dwellings will be the building coverage. The Applicant indicates the building coverage of 47%, which represents an existing non-conformity. It appears the Applicant did not include the covered front porches, the outdoor showers or shed. Our office calculates a building coverage of 58.3%, which represents an existing non-conformity. The Applicant is adding steps to the front and rear of the

dwelling and an outdoor shower. The proposed building coverage is 60%, **a variance is required.**

- e) In accordance with Section 450-26.D.(1)(e), the maximum impervious coverage permitted is 60%. The existing impervious coverage is 93%, which represents an existing non-conformity. The improvements do not increase the impervious coverage.
- f) In accordance with Section 450-26.D.(1)(j), the minimum off-street parking is two (2) spaces per dwelling unit. The property has four (4) dwelling units, which the minimum off-street parking is eight (8) spaces. The property currently has no off-street parking, which represents an existing non-conformity. The Applicant is not proposing any off-street parking.
- g) In accordance with Section 450-26.D.(1)(k), the minimum distance between structures is 20 feet. The existing distance between the 318 Newark Avenue (rear northeast structure) and the 318 ½ Newark Avenue (rear northwest structure) is 4.0 feet, which represent an existing non-conformity. The Applicant is proposing improvements to 318 Newark Avenue (rear northeast structure) will be an expansion of an existing non-conformity. **A variance is required for the distance between the two (2) structures.**

The distance existing between the 318 Newark Avenue (rear northeast structure) and 318 Newark Avenue's (front southeast structure) outdoor shower is 11 feet, which represents an existing non-conformity. The Applicant is proposing rear steps and an outdoor shower to 318 Newark Avenue (rear northeast structure). The proposed distance from 318 Newark Avenue's (front southeast structure) outdoor shower is 7 feet. **A variance is required.**

The distance existing between 318 Newark Avenue (rear northeast structure) and 318 ½ Newark Avenue (front southwest structure) outdoor shower is 12 feet, which represents an existing non-conformity. The Applicant is proposing rear steps and an outdoor shower to 318 Newark Avenue (rear northeast structure). The proposed distance from 318 ½ Newark Avenue (front southwest structure) outdoor shower is approximately 9 feet. **A variance is required.**

C. This section is for the zoning requirement for 318 ½ Newark Avenue (rear northwest structure).

1) In accordance with Section 450-26.D.(1), area, yard and building requirements, the following variances or existing non-conformities are noted below:

a) 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 requirement that exists shall be 10% (3.3 feet) and 20% (6.6 feet) of lot width.

The 318 ½ Newark Avenue (rear northwest structure) has an existing west side yard setback which is 2.1 feet, which represents an existing non-conformity. The existing east side yard setback is 18.5 feet, which conforms.

b) In accordance with Section 450-26.D.(1)(k), the minimum distance between structures is 20 feet.

The existing distance between the 318 ½ Newark Avenue (rear northwest structure) and the 318 ½ Newark Avenue (front southwest structure) shed is 7 feet, which represents an existing non-conformity.

The existing distance between the 318 ½ Newark Avenue (rear northwest structure) and the 318 Newark Avenue (front southeast structure) is 16 feet, which represents an existing non-conformity.

D. This section is for the zoning requirement for 318 ½ Newark Avenue (front southwest structure).

1) In accordance with Section 450-26.D.(1) area, yard and building requirements, the following variances or existing non-conformities are noted below:

a) 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 requirement that exists shall be 10% (3.3 feet) and 20% (6.6 feet) of lot width.

The 318 ½ Newark Avenue (front southwest structure) has an existing west side yard setback which is 2.1 feet, which represents an existing non-conformity. The existing east

side yard setback is approximately 18 feet, which conforms.

- b) In accordance with Section 450-26.D.(1)(k), the minimum distance between structures is 20 feet.

The existing distance between the 318 ½ Newark Avenue (front southwest structure) shed and the 318 ½ Newark Avenue (rear northwest structure) is 7 feet, which represents an existing non-conformity.

The existing distance between the 318 ½ Newark Avenue (front southwest structure) and the 318 Newark Avenue (front southeast structure) is 4 feet, which represents an existing non-conformity.

- E. This section is for the zoning requirement for 318 Newark Avenue (front southeast structure).

- 1) In accordance with Section 450-26.D.(1) area, yard and building requirements, the following variances or existing non-conformities are noted below:

- a) 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 requirement that exists shall be 10% (3.3 feet) and 20% (6.6 feet) of lot width.

The 318 Newark Avenue (front southeast structure) has an existing east side yard setback which is 1.4 feet, which represents an existing non-conformity. The existing west side yard setback is 19 feet, which conforms.

- b) In accordance with Section 450-26.D.(1)(k), the minimum distance between structures is 20 feet.

The existing distance between the 318 Newark Avenue (front southeast structure) and the 318 ½ Newark Avenue (front southwest structure) is 4 feet, which represents an existing non-conformity.

The existing distance between the 318 Newark Avenue (front southeast structure) and the 318 ½ Newark Avenue (rear northwest structure) is 16 feet, which represents an existing non-conformity.

4. **General Comments**

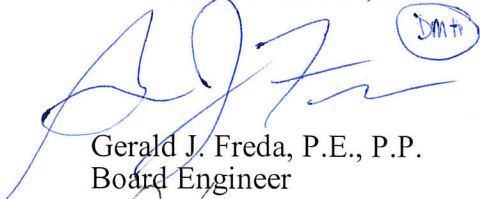
- A. The property is currently located in the Flood Zone X (0.2% annual chance flood hazard) on the Flood Insurance Rate Map Number 34025C0334F dated September 25, 2009. In accordance with the Preliminary Flood Insurance Rate Map Number 34025C0334F dated January 31, 2014, the property is located in Flood Zone AE (EL10) with a base flood elevation of 10 feet. The Applicant should provide a flood elevation certificate verifying all proposed improvements comply with the Borough's Flood Damage Prevention Ordinance.
- B. The existing fence along Lake Terrace is in the right-of-way. Our office recommends the Applicant relocate the fence out of the right-of-way.
- C. The existing electrical line to the dwelling is over the neighbor's property. The Applicant should relocate the electrical line.
- D. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must be natural grass.
- E. The Applicant should provide information that taxes are currently paid.
- F. 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



Helen Zincavage, P.P., AICP
Planner

DMH:mfl

cc: Kristie Armour, Board Secretary
Mark Kitrick, Esq., Board Attorney
Frank D. Mileto, AIA, Applicant's Architect
Thomas J. Hirsch, Esq., Applicant's Attorney

BB/BA/18/18-12