

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P.
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
WILLIAM D. PECK, P.E., P.P.
RICHARD PICATAGI, L.L.A., P.P.
JENNIFER C. BEAHM, P.P., AICP
HELEN ZINCAVAGE, P.P., AICP

October 31, 2018

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

**Re: Nollia, LLC
212 Fourth Avenue
Block 53, Lot 17
Borough of Bradley Beach
Our File BBBA 18-11**

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 survey of property consisting of one (1) sheet prepared by Charles Surmonte, P.E. & P.L.S., dated May 20, 2018, with no revisions.
- A variance plan consisting of one (1) sheet prepared by Charles Surmonte, P.E. & P.L.S., dated June 1, 2018, with no revisions.

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 212 Fourth Avenue (Lot 17, Block 53) with a total of 7,500 square feet.
- B. The existing lot had a principal structure with a detached garage and driveway.
- C. The Applicant has removed the principal structure and the detached garage with the driveway is remaining. The property owner removed the principal dwelling without receiving zoning approval and on December 12, 2017, received a zoning violation.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and a garage is not permitted as a principal use in this zone.
- B. The Applicant requires Board approval for variances on use.

3. **Variances and Waivers**

- A. In accordance with Section 450-19, no accessory structure, excluding fences and temporary buildings necessary for construction purposes, is to be erected prior to the completion of the principal building. The Applicant removed the principal dwelling and the detached garage is to remain. This lot has an accessory structure with no principal dwelling on the 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(1). 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(1)).

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.

4. **General Comments**

- A. The Applicant should provide information that taxes are currently paid.
- B. The Applicant shall secure any and all construction permits need for the project.

Our office reserves the right to provide additional comments upon receipt of revised plans.

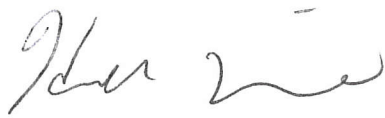
If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Gerald J. Freda, P.E., P.P.
Board Engineer



Helen Zincavage, P.P., A.I.C.P., C.F.M.
Planning Consultant

DMH:mfl

cc: Kristie Armour, Board Secretary
Mark Kitrick, Esq., Board Attorney
Thomas J. Hirsch, Esq., Applicant's Attorney

BB/BA/18/18-11