

LEON S. AVAKIAN, INC. *Consulting Engineers*

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May 4, 2018

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

**Re: Mercado Residence
Block 58, Lot 13
706 Fourth Avenue
Our File BBBA 18-01**

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 Michael J. Williams, P.L.S., P.P., dated October 19, 2016, with no revisions. The Applicant has indicated the location of the proposed fence on this survey.

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 706 Fourth Avenue (Lot 13, Block 58) with a total area of 4,300 square feet. The lot is close to rectangular in shape (parallelogram) and measures 43 feet in width by 100 feet in depth.
- B. The existing lot contains a two and one half-story framed dwelling with a covered front porch and detached shed.
- C. The Applicant is proposing a six foot high dog-eared solid spruce fence in the front, side, and rear yard areas.

2. **Zoning and Land Use**

- A. The property is located in the GBW General Business West Zone and the existing single family dwelling is a non-conforming use.

- B. The proposed improvements require Board approval for a variance on use and fence height in the front and side yard areas. The property has existing non-conformities with lot area and lot width.

3. **Variances and Waivers**

- A. In accordance with Section 450-29.1.A. permitted principal uses, a single family dwelling is not identified as a permitted use. The Applicant is proposing a fence on a lot that has a single family dwelling, which is an expansion of a non-conforming use. **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 site can accommodate the increase in the non-conformity.

- B. In accordance with Section 450-29.1.D area, yard, and building requirements, the following variances or existing non-conformities are noted below:

- 1) In accordance with Section 450-29.1.D.(1)(a), the minimum lot area is 5,000 square feet. The existing lot area is 4,300 square feet, which represents an existing non-conformity.
- 2) In accordance with Section 450-29.1.D.(1)(b), the minimum lot width permitted is 50 feet. The existing lot width is 43 feet, which represents an existing non-conformity.

- C. In accordance with Section 450-44.A. (Fence Regulations) all fences may be erected, altered or reconstructed to a height not exceeding three (3) feet above ground level when located in any front yard, four (4) feet in any side yard and six (6) feet in any rear yard. The Applicant is proposing a fence height of six (6) feet in the front, side and rear yard areas. **A variance is required** for fence height in the front and side yards.

4. **General Comments**

- A. General Note should be added to the plan indicating the curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must be natural grass.

706 Fourth Avenue

May 4, 2018

Page 3 of 3

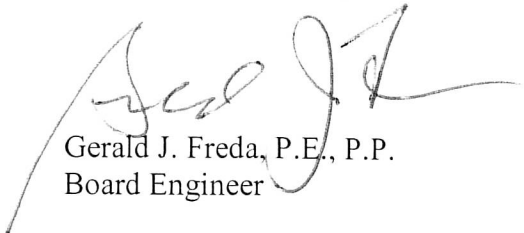
- C. The Applicant should provide information that taxes are currently paid.
- D. The Applicant shall secure any and all construction permits needed for the project.

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 Armour, Board Secretary
Mark Kitrick, Esq., Board Attorney
Alberto Mercado, Applicant

BB/BA/18/18-01