

November 28, 2017  
*Revised May 10, 2018*

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

**Re: Ruta Residence  
Block 25, Lot 21  
114 Ocean Park Avenue  
Our File BBBA 17-09**

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 two (2) sheets prepared by Jeremiah J. Regan, AIA, of Jeremiah J. Regan Architects, dated April 22, 2017, with the latest revisions dated ~~October 6, 2017~~ ***February 28, 2018 April 28, 2018***.
- A plan of survey consisting of one (1) sheet prepared by Thomas A. Harris, P.L.S. of Harris Surveying, Inc., dated October 25, 2016, with one revision dated October 18, 2017.
- A front yard setback plan consisting of one (1) sheet prepared by Thomas A. Harris, P.L.S. of Harris Surveying, Inc., dated October 18, 2017, with no revisions.

***Our original and revised review comments remain as noted in our letter dated November 28, 2017 and March 12, 2018.***

***Additional comments with regard to the revised plans are in bold italic type.***

Our office has reviewed the ***revised*** 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 114 Ocean Park Avenue (Lot 21, Block 25) with a total area of 3,400 square feet.

- B. The existing lot contains a 2-story framed dwelling with a detached garage and driveway.
- C. The Applicant is proposing to demolish the existing structures on-site and construction of a new ~~2-1/2~~ 3 story single family dwelling.

2. **Zoning and Land Use**

- A. The property is located in the R-B Residential Beachfront Zone and single-family dwelling is a permitted principal use in this zone.
- B. The proposed improvements require Board Approval for variances on side and rear yard setback, ~~building height~~, building coverage, ~~impervious coverage~~ and others described in this report. The property has existing non-conformity with lot area and lot width.

3. **Variances and Waivers**

- A. In accordance with section 450-13, permitted yard encroachments, the following variances or existing non-conformities are noted below:

- 1) In this Section 450-13, a permitted front yard encroachment does not identify third floor porches. The Applicant is proposing a third floor porch, which encroaches into the front yard. **A variance is required.**
- 2) In accordance with Section 450-13.E, an open and uncovered and unroofed deck or patio not more than three feet above ground level may extend into a required side or rear yard to within five feet of a side or rear property line. The deck is greater than 3 feet above ground level, which is not a permitted yard encroachment. **A variance ~~may be required~~ is required from the rear yard setback.**

*We were informed by the architect that the side yard setback to the deck is 5.5 feet. A variance is required. The plan should be revised to show the setback to the deck.*

- 3) In accordance with Section 450-13.F., ordinary projections of cornices, eaves, gutters, sills, belt courses, chimneys, flues, buttresses and ornamental features may project no more than 24 inches into any required yard area. The architectural plans do not indicate a dimension for the roof overhangs. The Applicant should provide testimony on the roof overhang and the dimension the roof overhangs on the plan.

- 4) In accordance with Section 450-13.G, air conditioners, HVAC and other mechanicals shall not be permitted in the required area setbacks. The Applicant is proposing a rear yard setback to the air conditioning units and generator of approximately 22 feet, where as 25 feet is required. **A variance is required.**
- B. In accordance with Section 450-28.D(1) area, yard, and building requirements for a single family dwelling is subject to the requirements and limitations in Section 450-26.D. The following variances or existing non-conformities are noted below:
- 1) In accordance with Section 450-26.D.(1)(a), the minimum lot area is 5,000 square feet. The existing lot area is 3,400 square feet, which represents an existing non-conformity.
  - 2) In accordance with Section 450-26.D.(1)(b), the minimum lot width permitted is 50 feet. The existing lot width is 34.0 feet, which represents an existing non-conformity.
  - 3) In accordance with Section 450-26.D.(1)(d), 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 maybe 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 has provided all the front yard setbacks in Block 25, along Ocean Park Avenue. The Applicant has provided two (2) separate calculations for the average front yard setback. One calculation is the average setback for Lots 13, 14, 16, 17.01, 17.02 and 18-21 and the other calculation excludes Lot 16. Our office calculated the average front yard setback by using Lots 1, 14, 17.01, 17.02, 18 and 20. Lot 13 should be excluded because it is not within 200 feet of the site. Also, the Applicant's property should be excluded since the surround properties are establishing the average setback for this lot. Lot 16 should be excluded from the average front setback since it does not meet the intent of the Ordinance.

Our office calculates the average front yard setback to the dwelling is 17.3 feet. The Applicant is proposing a front yard setback of 18.0 feet, which conforms.

Our office calculates the average front yard setback to the porch is 8.4 feet. The Applicant is proposing a front yard setback to the first and second floor porch of 9.33 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 requirement that exists shall be 10% (3.4 feet and 20% (6.8 feet) of the lot width. The Applicant is proposing a side yard setback of 3.5 feet for both sides on the west side of the dwelling, which conforms. *The proposed east side yard setback to the ground floor is ~~5.83~~ 6.83 feet and the side yard setback to the second and third floor overhang is ~~4.5~~ 5.5 feet. A variance is required* for the one side that is required to be 20% (6.8 feet) of the lot width.
- 5) In accordance with Section 450.26.D.(1)(f), the minimum rear yard setback permitted is 25 feet. The Applicant is proposing a rear yard setback of ~~25~~ 25.33 feet, which conforms.
- 6) In accordance with Section 450.26.D(1)(g) the maximum building height permitted is 35 feet and 2 ½ stories. The Applicant is proposing a building height of ~~38.33~~ 35.0 feet. ~~A variance is required.~~ The variance condition has been removed. The Applicant should provide supporting calculations to confirm the proposed dwelling height.

~~A half story is defined as a story under a sloped roof, which may have dormers with windows having a floor area not to exceed 50% of the floor area below it. By our office calculation, the attic floor does not comply with the definition of half story. The Applicant is proposing a third story, which is not permitted. A variance is required for a three (3) story dwelling.~~

*The Applicant indicates a floor area of the attic space of 621 square feet, which would be less than 50% of the floor below. The Applicant should provide supporting floor area calculations which include the balconies, bathroom, staircase, and elevator for the second and attic floor areas. Our office calculates a second floor area of approximately 1,476 square feet and an attic floor area of approximately 793 square feet. The attic floor area calculations by our office indicates that the area is greater than 50% of the second floor. A variance is required.*

- 7) In accordance with Section 450.26.D.(1)(h), the maximum building coverage permitted is 35%. The existing building coverage is 45.03%, which represents an existing non-conformity. The Applicant is proposing a building coverage of ~~54.76~~ **49.4** **48.33%**. **A variance is required.**
- 8) In accordance with Section 450.26.D.(1)(i), the maximum impervious coverage permitted is 60%. The existing impervious coverage is 66.53%, which represents an existing non-conformity. The Applicant is proposing an impervious coverage of ~~72.06~~ **58.44** **59.62%**. ~~A variance is required.~~ The variance condition has been removed. ~~The Applicant should revise the impervious calculation to include the air conditioning units and generator. Our office calculates a proposed impervious coverage of approximately 59%, which conforms.~~
- C. In accordance with Section 450-41, residential parking and driveway requirements, the following variances or existing non-conformities are noted below:
- In accordance with Section 450-41.A(2) curb cuts shall be a maximum of 12 feet in width. ~~The plans scale a proposed curb cut of 14 feet. A variance is required.~~ The Applicant has revised the plan to eliminate the variance condition. 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 plans scale a driveway apron of 10.5 feet in width at the property line and 14 feet in width at the curb line. A variance is required.~~ The Applicant has revised the plan to eliminate the variance condition. The Applicant is proposing a driveway apron of 10 feet in width at the property line and 12 feet in width at the curb line. The proposed driveway apron widths conform.

#### 4. General Comments

- A. In order to promote groundwater recharge, we recommend all roof leaders be connected in an underground recharge system or drywell structure. The Applicant should provide drainage calculations, soil log, and a permeability test if any underground system or drywell structure is proposed.

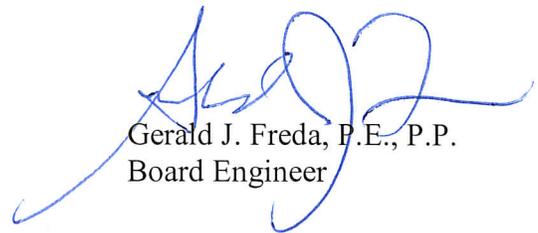
- B. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- C. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- D. The Applicant should provide information that taxes are currently paid.
- E. The Applicant shall secure any and all construction permits needed for the project.
- F. Prior to receiving any construction permits, the Applicant should submit a grading plan indicating the proposed stormwater runoff will not be directed toward adjacent properties.

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  
Gregory W. Vella, Esq., Applicant's Attorney  
Jeremiah J. Regan, AIA, Applicant's Architect

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