

May 4, 2018  
*Revised July 11, 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.~~
- *A site plan consisting of one (1) sheet prepared by Daniel W. Caruso, P.E. of Landmark Surveying and Engineering, Inc., dated June 27, 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:~~

Additional comments with regard to the revised plans are noted in ***bold italic type***. Our original review comments remain as noted in the letter dated May 4, 2018. The revised plans have been reviewed and we 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~~ ***4,281.98 square feet***. The lot is close to rectangular in shape (parallelogram) and measures ~~43~~ ***42.91 feet*** in width by ~~100~~ ***99.79 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.

*The Applicant has revised the application to the Board to include a driveway and has revised the fence heights.*

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 area. The property has existing non-conformities with lot area and lot width.

3. **Variations 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 *and driveway* 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~~ **4,281.04 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~~ **42.91 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.~~

*The Applicant is proposing a fence height of three (3) feet from the front property line along the west side property line to the front of the dwelling, which conforms. The proposed fence will continue along the west side property line at a height of four (4) feet, for a length of approximately eight (8) feet, which conforms. At this point the proposed fence will change to a height of six (6) feet and will remain six (6) feet throughout the west side yard and rear yard. A variance is required for the fence height of six (6) feet in the west side yard.*

- D. *The Applicant is proposing a driveway that will conform with the Ordinance Section 450-41.A. Residential parking requirements for one – and two- family uses.*

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.
- 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.

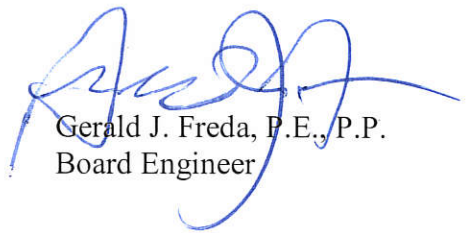
Our office reserves the right to provide additional comments upon receipt of revised plans.

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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

DMH:mfl

cc: Kristie Armour, Board Secretary  
Mark Kitrick, Esq., Board Attorney  
Jeffrey P. Beekman, Esq., Applicant's Attorney  
Alberto Mercado, Applicant

BB/BA/18/18-01a