

June 1, 2022

Borough of Bradley Beach  
Land Use Board  
701 Main Street  
Bradley Beach, NJ 07720

**Re: DePaola Residence  
Block 29, Lot 21  
414 McCabe Avenue  
Borough of Bradley Beach  
Our File BBPB 22-08**

Dear Chairman and Board Members:

Our office has received an application submitted for Board review in connection with the above referenced project. Submitted with the application are the following:

- An architectural plan consisting of one (1) sheet prepared by Lori Jeanne Ryder, R.A. of Master of Design Architects, dated April 18, 2022, with no revisions.
- A survey of property consisting of one (1) sheet prepared by Michael T. Cannon, P.E. & P.L.S. of the Cannon Group, P.C., dated February 12, 2022, with no revisions. This plan was not signed or sealed.

This application has been deemed **COMPLETE**. 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 414 McCabe Avenue (Lot 21, Block 29) with a total area of 2,150 square feet.
- B. The existing lot contains a 2 ½ story two family dwelling with paver driveway. The improvements will reduce number of units from a two family to a single-family dwelling. The improvements will not increase the number of bedrooms and will increase the bathroom count by a half bathroom.

- C. The Applicant is proposing to remove the dwelling and rebuild a single-family dwelling on the existing foundation.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and the proposed single-family dwelling is a permitted use in this zone.
- B. The proposed improvements require Board approval for variances with d(6) use variance on building height, front yard setback to the porch, upper porch, and dwelling, side yard setback to dwelling, building coverage, rear yard setback to the rear porch and others as described in this report.

3. **Variances and Waivers**

- A. In accordance with Section 450-10.a.(38), any use of land or buildings or any activity not specifically permitted in a zone is prohibited. The existing two-family house is not listed as a permitted use in the R-1 Residential Single-Family Zone. The existing use represents an existing non-conforming use. The Applicant is removing the existing non-conforming use and proposing a conforming single-family use.
- B. In accordance with Section 450-26.E.(2), the living space of single-family dwellings on lots that are either less than 4,000 square feet or less than 40 feet of frontage shall not exceed 2-stories and 30 feet in height. The Applicant is proposing a building height of 33.67 feet. **A d(6) variance is required.** The Applicant is proposing a two-story dwelling, which complies.

***D(6) Height Variance.*** The application requires a d(6) use variance to permit a height of principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

- 1) To meet the positive criteria for a d(6) variance, the Applicant should prove the particular suitability of the site in accommodating the use, despite the increase in height by over 10% of what is permitted in the zoned district.
- 2) The negative criteria should focus on the impact of the deviation. The Applicant must present evidence that the negative impacts of non-compliance with the permitted height can be mitigated to the extent that the use will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zoned plan and zoning ordinance.

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

- 1) In accordance with Section 450-13.A.(2), (porch setbacks), for permitted residential structures a porch may extend 8 feet into the required front yard setback area, provided the principal structure conforms to the front yard setback requirement or by submission of the appropriate “Setback Averaging” plan as reflected in Ordinance 450-26.D.(7). A “Wrap-Around” porch may exceed the width of the existing or proposed structure, as long as it is in compliance with side setback requirements for the principal structure. The Applicant did not provide a setback averaging plan. The permitted porch setback is 17 feet along M<sup>c</sup>Cabe Avenue. The existing porch setback is 4.2 feet, which represents an existing non-conformity. The Applicant is proposing a new front porch in the same footprint of the old porch. The Applicant is proposing a front porch setback of 4.2 feet. **A variance is required.**
- 2) In accordance with Section 450-13.A.(5), (Location), porches are also permitted within the buildable envelope at the front, rear and sides of the structure. The permitted rear yard setback for this property is 16.1 feet. The Applicant is proposing a rear yard setback of 15.4 feet to the rear covered porch. **A variance is required.**
- 3) In accordance with Section 450-13.B.(2), (upper porch setbacks), for permitted residential structures may extend 8 feet into the required front yard setback area, provided the principal structure conforms to the front yard setback requirement or by submission of the appropriate “Setback Averaging” plan as reflected in Ordinance 450-26.D.(7). A “Wrap-Around” Upper Porch on corner lots only may exceed the width of the existing or proposed structure, as long as it is in compliance with front yard setback requirements for the principal structure. The Applicant did not provide a setback averaging plan. The permitted upper porch setback is 17 feet along McCabe Avenue. The Applicant is proposing a front yard setback of 4.2 feet to the upper porch. **A variance is required.**

The Applicant is proposing a front setback of 4.2 feet to the upper porch. **A variance is required.**

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

- 1) In accordance with Section 450-26.D.(1)(a), the minimum lot area permitted per the Zoned District is 5,000 square feet. The existing lot area is 2,150 square feet, which represents an existing non-conformity.
- 2) In accordance with Section 450-26.D.(1)(b), the minimum lot width permitted per the Zoned District is 50 feet. The existing lot width is 33.33 feet, which represents an existing non-conformity.
- 3) In accordance with Section 450-26.D.(1)(c), the minimum lot depth permitted per the Zoned District is 100 feet. The existing lot depth is 64.50 feet, which represents an existing non-conformity.
- 4) In accordance with Section 450-26.D.(1)(d), the minimum front yard setback permitted for a street east to west (M<sup>c</sup>Cabe Avenue) is 25 feet and for a street running north to south is 15 feet, or the minimum depth of any front yard within the block and front on the same street on which the structure fronts, whichever is greater. When the prevailing setback of the existing buildings along a block front is less than the setback requirements, the front yard setback distance may be 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 did not provide the average front yard setback.

The existing front yard setback to the dwelling is 12.6 feet, which represents an existing non-conformity. The Applicant is proposing a front yard setback of 12.6 feet to the new single-family dwelling. **A variance is required.**

- 5) 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 requirements that exist shall be 10% (3.33 feet) and 20% (6.66 feet) of the lot width. The existing west side yard setback is 10.6 feet, which conforms. The existing east side yard setback is 2.4 feet, which represents an existing non-conformity.

The Applicant is proposing a west side yard setback of 10.6 feet, which conforms. The proposed east side yard setback is 2.4 feet, to the new single-family dwelling. **A variance is required.**

- 6) In accordance with Section 450-26.D.(1)(f), the minimum rear yard setback is 25 feet. For lots not meeting the minimum lot depth requirements the rear yard setback may be reduced proportionately to the existing lot depth as a percentage of required lot depth, but in no case shall be less than 10 feet. The required setback for this lot is 16 feet. The Applicant is proposing a rear yard setback of 19.71 feet, which conforms.
- 7) In accordance with Section 450-26.D.(1)(h), the maximum building coverage permitted is 35% of the lot area. The Applicant is proposing a building coverage of 39.2%. **A variance is required.**
- 8) In accordance with Section 450-26.D.(1)(i), The maximum impervious coverage permitted is 60% of the lot area. The Applicant is proposing an impervious coverage of 60%, which conforms.
- 9) In accordance with Section 450-26.D.(1)(j), the minimum off-street parking is two (2) spaces per dwelling unit. The existing property has a driveway at a length of 25 feet. This will allow for one (1) off-street parking space, which represents an existing non-conformity. No off-street parking is being proposed. The Applicant should provide testimony.

4. **General Comments**

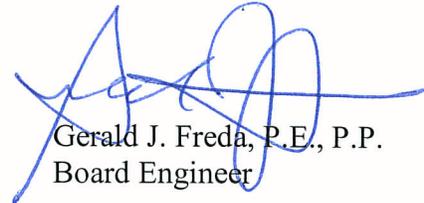
- A. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- B. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- C. The Applicant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



Christine Bell, A.I.C.P., P.P.  
Board Planner

DMH:mfl

cc: Kristie Dickert, Board Secretary  
Mark Kitrick, Esq. Board Attorney  
Anthony DePaola, Applicant  
Lori Jeanne Ryder, R.A., Applicant's Architect  
Michael T. Cannon, P.E. & P.L.S., Applicant's Land Surveyor  
BB/PB/22/22-08a