

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., CPWM
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
JENNIFER C. BEAHM, P.P., AICP
CHRISTINE L. BELL, P.P., AICP
SAMUEL J. AVAKIAN, P.E., P.L.S.

June 30, 2022

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

**Re: Durando Residence
Block 48, Lot 16
408 Fifth Avenue
Borough of Bradley Beach
Our File: BBPB 22-04**

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 three (3) sheets prepared by Matthew T. Cronin, AIA of Matthew T. Cronin AIA, Architect, dated August 23, 2021, with the latest revisions dated May 10, 2022.
- A location survey consisting of one (1) sheet prepared by Kenneth P. Frank, P.L.S. of KF2T Professional Land Surveyors, dated March 18, 2022, with the latest revisions dated May 10, 2022. This survey 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 408 Fifth Avenue (Lot 16, Block 48) with a total area of 7,500 square feet.
- B. The existing lot consists of two principal dwellings with a swimming pool, concrete walk and patio, and an asphalt driveway.
- C. The Applicant is proposing an addition to the rear of the front single-family dwelling.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and two (2) principal dwellings on one (1) lot is not permitted.
- B. The proposed improvements required Board approval for variances on use, balcony size, balcony location, side yard setback, number of stories, and others described in this report.

3. **Variances and Waivers**

- A. Ordinance Section 450-15 states “Except as might be hereinafter specifically provided, there shall not be more than one principal building erected on any lot.” This lot has two principal dwelling units, which represents existing non-conforming structures. In Ordinance Section 450-12.D. states “A non-conforming structure may not be enlarged, extended in height, width or depth, moved or relocated modified in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms.....” The Applicant is proposing an addition to the rear of the dwelling. This is an expansion of a non-conforming use. **A d(2) use variance is required.**

A d(2) use variance for the expansion of a non-conforming use is required. To obtain a d(2) use variance, the Applicant must show that the proposal meets three separate criteria.

- 1) **Special Reasons.** Proving the positive criteria for d(2) variances is set at a lower bar than for a new non-conforming use. Proof should still be proffered that demonstrates the furtherance of a goal of zoning.
- 2) **Intent of the Zone Plan (negative criterion # 1).** The Applicant must prove that the proposed expansion does not substantially impair the intent of the zoning ordinance or master plan.
- 3) **Detriment to the Public Good (negative criterion # 2).** The Applicant must prove that the expansion of the proposed use would not have a substantial detriment on nearby properties.

B. 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.C.(2), (Requirements), for residential structures each balcony cannot exceed 80 square feet. The Applicant is proposing a balcony of approximately 123 square feet. **A variance is required.**
- 2) In accordance with Section 450-13.C.(6), (Location) balconies shall be permitted at the front of the dwelling only. The Applicant is proposing a balcony at the rear of the dwelling. **A variance is required.**

C. 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)(e), the minimum side yard setback permitted is 5 feet and 10 feet. The front dwelling has an existing west side yard setback is 2.6 feet, which represents an existing non-conformity. The existing east side yard setback is 12.1 feet, which conforms.

The Applicant is proposing the front dwelling to have a west side yard setback of 2.6 feet, which is an expansion of an existing non-conformity. **A variance is required.**

The rear dwelling has an existing side yard setback of 14.7 feet on the west side and 9.2 feet on the east side. Both of these existing setbacks conform.

- 2) In accordance with Section 450-26.D.(1)(f), the minimum rear yard setback is 25 feet. The front dwelling has an existing rear yard setback of 90 feet, which conforms. The Applicant is proposing a rear yard setback of 89 feet to the addition, which conforms.

The rear dwelling has a rear yard setback of 1.9 feet, which represents an existing non-conformity.

- 3) In accordance with Section 450-26.D.(1)(h), the maximum building coverage permitted is 35% of the lot area. The existing building coverage of 28.5% which conforms. The Applicant is proposing a building coverage of 28.8%, which conforms.

- 4) In accordance with Section 450-26.D.(1)(i), the maximum impervious coverage permitted is 60% of the lot area. The existing impervious coverage is 57.6%, which conforms. The proposed addition is mostly over an existing first floor. The Applicant is proposing an impervious coverage of 57.8%, which conforms.
- 5) In accordance with Section 450-26.D.(1)(j), the minimum off-street parking permitted is two (2) spaces per dwelling unit. The Applicant should provide testimony on the existing off-street parking provided.
- 6) In accordance with Section 450-26.D.(1)(g), the maximum building height permitted is 35 feet and 2 ½ stories. The Applicant indicates a building height of 32 feet, which conforms. The addition height will match the existing building height of 32 feet, which conforms.

The definition of half story is a story under a sloping roof, which may have dormers with windows, having a floor area not exceeding 50% of the floor area below it, inclusive of any balconies on said story. The addition will increase the attic over 50% of the second floor. The addition will create a third floor, which is not allowed.
A variance is required.

4. **General Comments**

- A. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain or be converted to 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.

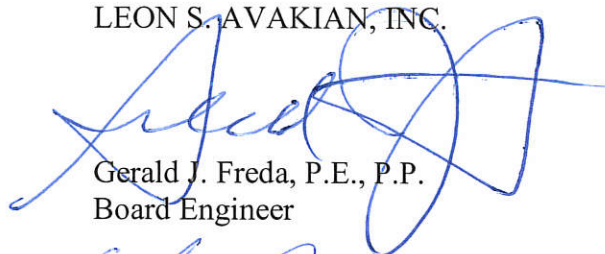
Our office reserves the right to provide additional comments upon receipt of revised plans.

408 Fifth Avenue
June 30, 2022
Page 5 of 5


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
Sean F. Byrnes, Esq., Applicant's Attorney
Matthew T. Cronin, AIA, Applicant's Architect
BB/PB/22/22-04a