

June 30, 2022

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

**Re: Petrucelli Residence
Block 57, Lot 25
614 Fourth Avenue
Borough of Bradley Beach
Our File BBPB 22-06**

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:

- A plot plan consisting of one (1) sheet prepared by Daniel W. Caruso, P.E. of Landmark Surveying and Engineering, Inc., dated March 23, 2022, with the latest revisions dated May 25, 2022.
- An architectural plan consisting of two (2) sheets prepared by Thomas F. Petersen, R.A. of Tom Petersen Architects, dated April 5, 2022, with no revisions.
- A survey of property consisting of one (1) sheet prepared by Rodolfo Pierri, P.L.S. of Landmark Surveying and Engineering, Inc., dated December 2, 2021, with the latest revisions dated March 29, 2022.

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 614 Fourth Avenue (Lot 25, Block 57) with a total area of 8,763 square feet.
- B. The existing lot contains a 2 ½ story single family dwelling with a non-conforming garage apartment, concrete walkways and asphalt driveway.
- C. The Applicant is proposing an addition to the rear of the single-family dwelling and a swimming pool.

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, side yard setback to porch, side yard setback to addition, building height, 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. The rear structure is not a garage apartment because it does not meet the requirements for garage apartments in size. 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.A.(2), (Setbacks), a wraparound 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 permitted east side building setback for this property is 10 feet. The existing porch has an east side building setback of 9.90 feet, which represents an existing non-conformity.

The permitted west side building setback for this property is 5 feet. The existing porch has a west side building setback of 3.80 feet, which represents an existing non-conformity.

The Applicant is replacing the existing non-conforming front porch. The replacement of the porch **will require variances for the east and west side building setbacks**. The front porch complies with the front building setback.

- 2) In accordance with Section 450-13.J,(1), (Ordinary projections), ordinary projections of balconies, entry platform coverings, fireplaces, cornices, fly rafters, eaves, gutters, sills, bay windows, belt courses chimneys, flues, buttresses and ornamental features may project not more than 24-inches from an exterior building wall into any required yard area, provided the projection does not violate the covenants of any deed or deeds to the property upon which the projection is made. The Applicant is proposing an awning on the west side of the dwelling, which will project 2 feet from the dwelling wall, which conforms. Testimony should be provided on the awning setback from the west side property line.

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 existing west side yard setback is 3.8 feet, which represents an existing non-conformity. The existing east side yard setback is 15.43 feet, which conforms.

The Applicant is proposing a west side yard setback of 3.8 feet, which is an expansion of an existing non-conformity. **A variance is required.** The Applicant is proposing an east side yard setback of 17.5 feet, which conforms.

The rear dwelling has an existing side yard setback of 21.66 on the west side yard setback, which conforms. The existing east side yard setback is 1.92 feet, which represents an existing non-conformity.

- 2) In accordance with Section 450-26.D.(1)(g), the maximum building height permitted is 35 feet and 2 ½-stories. The existing building height is 35.97 feet, which represents an existing non-conformity. The proposed addition will match the existing building height of 35.97 feet, which is an expansion of an existing non-conformity. **A variance is required.**
- 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 25.93% which conforms. The Applicant is proposing a building coverage of 28.5%, 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 45.54%, which conforms. The proposed covered porch is mostly over an existing impervious coverage. The Applicant is proposing an impervious coverage of 53.07%, which conforms.

D. In accordance with Section 406-4.B., Swimming pools, pool decks, pool pump, and filtration system shall maintain the following minimum setbacks.

- 1) The permitted setback from the side lot line is 6 feet. The Applicant is proposing a setback of 6.36 feet from the west side property line, which conforms.
- 2) The permitted setback from the rear lot line is 6 feet. The Applicant is proposing a setback of 71.17 feet from the rear lot line, which conforms.
- 3) The permitted setback from the primary structure is 15 feet. The Applicant is proposing a setback of 15 feet from the primary addition, which conforms.
- 4) The permitted setback from the accessory structure is 10 feet. The Applicant is proposing a setback of 10 feet from the accessory structure, which conforms.

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.

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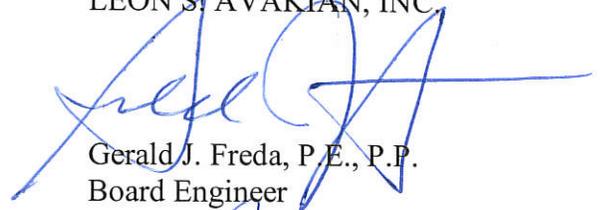
- C. The Applicant should provide information that taxes are currently paid.
- D. The Applicant shall secure any, and all construction permits needed for the project.

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
Michael J. Wenning, Esq., Applicant's Attorney
Daniel W. Caruso, P.E., Applicant's Engineer
Thomas F. Petersen, R.A., Applicant's Architect

BB/PB/22/22-06b