

ZONING BOARD OF ADJUSTMENT
APPLICATION FOR USE VARIANCE AND/OR BULK VARIANCE(S)

Information on Subject Property:

1. Property address: 508 BRADLEY BOULEVARD
Block(s) 87 Lot(s) 9 Zone: R-1
2. Does the Applicant own adjoining property? ☐ YES ☒ NO
If answer to foregoing is yes, describe location and size of adjoining property: N/A
3. An application is hereby made for a variance(s) from the terms of Article(s) and Section(s):
SEE ATTACHMENT - SUPPLEMENT AT END OF THIS APPLICATION
4. Justification/Reasons why each variance should be granted [attach forms as necessary]
SEE ATTACHMENT - SUPPLEMENT AT END OF THIS APPLICATION.
5. If conditional use is required/requested with this application, detail conformance/deviation from the requirements of the zoning ordinance [attach forms as necessary].
N/A

Contact Information:

6. Name of applicant: GREGORY C. & LESLIE A. FERRENBACH
Mailing address: 408 BRADLEY BOULEVARD BRADLEY BEACH 07720-1115
Phone # _____ Fax # _____ Cell # [REDACTED]
E-mail address: [REDACTED]

7. Interest of Applicant if other than owner (i.e. tenant, contract purchaser)(If applicant is not the owner, Owner(s)' Affidavit of Authorization and Consent must be completed & submitted with this application):

8. Name of present owner: SAME AS APPLICANT

Mailing address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

9. Contact Person: SAME AS APPLICANT

Mailing address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

Applicant's Professionals' Information:

10. Name of applicant's Attorney (if applicable)
(Companies/Corporations must be represented): _____

Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

11. Name of applicant's Engineer (if applicable): _____

Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

12. Name of applicant's Planner (if applicable): _____

Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

13. Name of applicant's Surveyor: _____

Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

14. Name of applicant's Architect (if applicable): VINMINKLER ARCHITECTURE

Mailing Address: 54 CHAPEL HILL RD RED BANK, NJ 07701

Phone # 908-692-8412 Fax # _____ Cell # _____

E-mail address: VINMINKLER@gmail.com

15. Name of applicant's Other Professional (if applicable): _____

Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

Detail Property Information:

(PLEASE INCLUDE INFORMATION FOR EACH ZONE/BLOCK/LOT INVOLVED BELOW – ATTACH ADDITIONAL SHEETS AS NECESSARY)

<u>PRINCIPAL USE:</u>	<u>Required and/or Permitted</u>	<u>Existing</u>	<u>Proposed</u>
Minimum lot area	5000 SF	5237 SF	UNCHANGED
Minimum lot width	50 FT	58.58 & 50 FT	UNCHANGED
Minimum lot depth	100 FT	104.75 FT	UNCHANGED
Minimum lot frontage	50 FT	58.58 FT	UNCHANGED
Minimum front yard setback	N-S 15 FT E-W 25 FT	HOUSE - 21.25 FT PORCH - 13 FT	UNCHANGED
Minimum rear yard setback	25 FT	42 FT	UNCHANGED
Minimum side yard setback	5 FT & 10 FT	5 FT & 10.7 FT	UNCHANGED
Maximum percent building coverage	35%	31.6%	UNCHANGED
Maximum percent lot coverage	60%	50.4%	50.6%
Maximum number of stories	2.5	1.5	2.5
Maximum building height (in feet)	35 FT	23 FT	33.5 FT
Square footage of principal structure	NA	1760 SF	2560 SF
Off-street parking spaces	2 PS	2 PS	UNCHANGED
Prevailing Setback of adjacent buildings within the block/within 200 ft.			
<u>ACCESSORY USE/STRUCTURE:</u>	<u>Required and/or Permitted</u>	<u>Existing</u>	<u>Proposed</u>
Minimum front yard setback	NA		
Minimum rear yard setback	5 FT	3 FT	UNCHANGED
Minimum side yard setback	5 FT	3 FT	UNCHANGED
Minimum combined side yard setback	NA		
Maximum percent building coverage	NA		
Maximum percent lot coverage	NA		
Maximum number of stories	NA		
Maximum building height (in feet)	28 FT	12 FT	UNCHANGED
Square footage of accessory structure	600 SF	330 SF	UNCHANGED
Distance between principal & accessory structure	20 FT	24 FT	UNCHANGED
Existing use or uses on the lot: SINGLE FAMILY DWELLING			
Proposed use or uses on the lot: UNCHANGED			
Is the property located in a special flood hazard area? NO			

NOTE: Any items that are not applicable to a particular application shall be marked with an "N/A".

Detail Proposed Information:

16. Existing and proposed number of units, if applicable: ONE - UNCHANGED

AUG - 9 2022

OWNER(S)' AFFIDAVIT OF AUTHORIZATION AND CONSENT
STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER

[Original signatures only – copies will not be accepted]

IN THE MATTER BEFORE THE LAND USE BOARD
(Insert Planning Board or Zoning Board of Adjustment)

IN THE BOROUGH OF BRADLEY BEACH, STATE OF NEW JERSEY, COUNTY OF MONMOUTH.

I/WE, FEHRENBACH, WITH MAILING ADDRESS OF
(Insert Property Owner's Name)

408 BRADLEY BOULEVARD BRADLEY BEACH OF FULL AGE BEING DULY
(Insert Property Owner's Mailing Address)

SWORN ACCORDING TO LAW AND OATH DEPOSES AND SAYS:

"I/WE ARE THE OWNER(S) OF THE SUBJECT PROPERTY IN CONNECTION WITH

THIS APPLICATION DESIGNATED AS BLOCK(S) 87 LOT(S) 2

ALSO KNOWN AS 408 BRADLEY BOULEVARD
(Insert physical address of the subject property)

I/WE AUTHORIZE GREGORY FEHRENBACH
(Insert name of Owner(s)' representative appearing before the Board)

TO APPEAL TO THE PLANNING/ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF BRADLEY BEACH FOR SUCH RELIEF AS MAY BE REQUIRED RELATING TO THE PROPERTY LISTED ABOVE, CONSENT TO SUCH APPEAL AND APPLICATION, AND AGREE THAT ANY DECISION OF THE PLANNING/ZONING BOARD OF ADJUSTMENT ON SUCH APPEAL SHALL BE BINDING UPON ME/US AS IF SAID APPLICATION/APPEAL HAS BEEN BROUGHT AND PROSECUTED DIRECTLY BY ME/US AS THE OWNER(S).

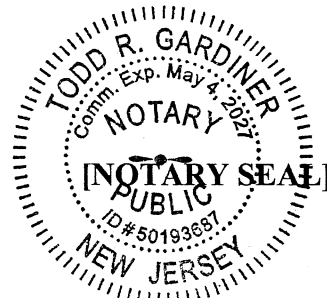
[Signature]
(Original Signature of Owner to be Notarized)

[Signature]
(Original Signature of Owner to be Notarized)

Sworn and subscribed before me this

18th day of July, 2022

[Signature]
Signature of Notary Public



17. Are any extensions of municipal facilities or utilities involved with this application? Y ☐ N ☒

If answer is YES, describe: _____

18. Are drainage ditches, streams, or other water courses involved with this application? Y ☐ N ☒

If answer is YES, describe: _____

19. Has there been any previous applications before the Planning Board/Board of Adjustment involving these premises? Yes ☐ No ☒ Unknown ☐

If so, when: _____

Result of decision: _____ (attach copy of prior Resolution)

20. Has a Zoning denial been received as part of this application? YES ☒ NO ☐ If yes, please attach.

21. Tax and Assessment payment report indication of all taxes and/or assessment required to be paid attached to this application: ☒ YES ☐ NO

22. Are any easements or special covenants by deed involved with this application?

☐ YES (If yes, attach copy) ☒ NO

AFFIDAVIT OF APPLICATION

State of New Jersey :
County of Monmouth : ss

_____ being of full age, being duly sworn according to Law, on oath depose and says that all the above statements are true.

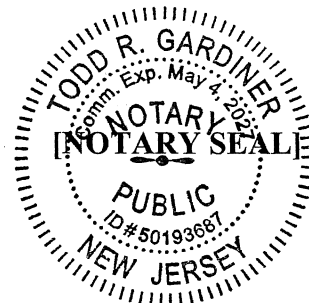
Gregory C. Fehrenbach
(Original Signature of Applicant to be Notarized)

GREGORY C. FEHRENBACH
(Print Name of Applicant)

Sworn and subscribed before me this

18th day of July, 2022

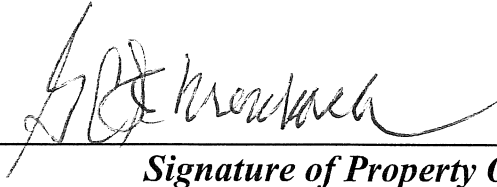
[Signature]
Signature of Notary Public



SITE VISIT AUTHORIZATION OF PROPERTY OWNER

I hereby authorize any member of the Borough of Bradley Beach Planning Board/Zoning Board of Adjustment, any of said of Board's professionals or reviewing agencies of the Board to enter upon the property which is the subject matter of this application, during daylight hours, for limited purpose of viewing same to report and comment to the Board as to the pending application.

Date: 18 July 2022


Signature of Property Owner

Escrow Agreement

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which will include engineering, legal, planning, architectural, and any other expenses incurred in connection with the review of this application before the Board.

The amount of the Escrow Deposit will be determined by the Borough of Bradley Beach Ordinance Chapter 60. Land Use Procedures Section 60-29. Application fees and escrow requirements. Please see attached for details.

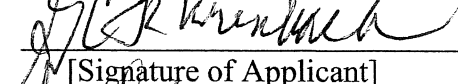
Any request for replenishment of escrow funds shall be due within fifteen [15] days of receipt of the request. If payment is not received within that time, applicant will be considered to be in default, and such default may jeopardize appearance before the Board and/or hold up of any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

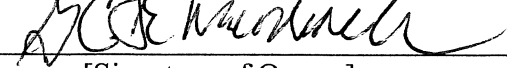
Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification of completion by the board's professionals who reviewed the application.

By signature below, I/we acknowledge receipt of the Borough of Bradley Beach's Chapter 60. Land Use Procedures Section 60-29. Application fees and escrow requirements and agree to all conditions listed.

Name of Applicant: GREGORY C & LESLIE A. FEIRENBACH
[please print]

Property Address: 408 BRADLEY BLVD Block 87 Lot 9

Applicant's Name: GREGORY C. FEIRENBACH
[Print Name] 
[Signature of Applicant]

Owner's Name: GREGORY C. FEIRENBACH
[Print Name] 
[Signature of Owner]

Date: 18 July 2022

PROPERTY: 408 Bradley Boulevard, Bradley Beach, NJ 07720-1115 Block 87, Lot 9

PROJECT: Renovate First Floor and add Second Story Addition with Attic; Currently 1.5 stories, to become 2.5 stories

#2. Property is located on the north side of Bradley Boulevard. The west property line of 408 Bradley Boulevard is located at the approximate 30 to 45-degree angle at which Bradley Boulevard changes from an eastern direction to an east-northeastern direction.

#3. According to the Zoning Officer, the application requires the following two variances:

Variance 1. - Section 450-26: Required front yard setback of 25 feet. Presently, and since 1954 when built, the house and front porch have been set back as follows:

Front porch front yard setback measures between 25 and 13 feet depending on where one measures the distance of the front porch to the front property line. Please see Section 450-13. A. (2) of the Zoning Ordinance regarding the permitted intrusion of a front porch into the front yard setback by up to 8 feet.

Front of house proper, measures between 33.5 and 21.25 feet depending on where one measures the distance to the front property line.

- The property is adversely affected by the severe change of direction in the Right of Way that occurs at the southwest corner of the property. The actual perpendicular distance from the southwest corner of the house to the right of way is 33.5' as scaled on the property survey prepared by Charles Surmonte, P.E., P.L.S., far in excess of the 25' front yard setback requirement, which applies to east west streets. But at the southeast corner of the house the front yard setback scales at 21.25 feet.

The Zoning Officer cited the following Section 450-12. D., which reads as follows:

D. A nonconforming structure may not be enlarged, extended, increased 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, unless such structure is changed to a structure conforming to the requirements of this chapter, except that an existing one- to four-family dwelling may be rebuilt, enlarged, extended, or added to provided:

(1) The enlargement, extension or addition conforms to all zone requirements.

Variance 2. - The Zoning Officer also stated that Section 450-13 does not permit an upper porch on the attic level and would require "...a variance/design waiver from the Board."

#4 Justification/Reasons why each variance should be granted:

Regarding Variance 1., expanding the non-conforming structure:

- The proposed improvements **are contained within the current footprint of the existing and long-standing house.** This was an early design directive we as the owners provided to the architect to assure that variances would not be needed for height, coverage, side, rear, or front yard setbacks. As stated in Section 450-12. D. “The enlargement, extension, or addition [shall] conform to all zone requirements.”
- In 2014 the **prior Zoning Officer granted a zoning permit (ZA 14-0125)** to construct the present 2nd floor upper porch based upon his review that the average setback for the porch was 15’ 1” and required the railing for this upper porch to be removed from the southeast corner of the upper porch so that the expansion did not intrude into the average front yard setback. This is the angle you can now see in the railing was performed at the direction of the then Zoning Officer. He established this setback, which is not being intruded upon in any way by the proposed remodeling work.

Under present interpretation by the current Zoning Officer, the 2014 application would have constituted an expansion of a non-conforming structure, but the Zoning Officer at the time permitted the improvement with this slight modification to the railing. Based on this experience, we, the owners, proceeded to have design plans prepared for the subject renovation believing that no variances would be needed.

- The property is **adversely affected by the severe angle or change of direction in the right of way** that occurs at the southwest corner of the property. The actual perpendicular distance from the southwest corner of the house to the right of way is 33.5’ as scaled on the property survey prepared by Charles Surmonte, P.E., P.L.S., which is far in excess of the 25’ front yard setback requirement for east-west streets.
- The extant house (built in 1954) and current footprint of the house was then constructed in accordance (orientation) with the subdivision side lines which do not conform to the severe angle of the right of way. (The side walls of the house are parallel to the side property lines.) Building the original house in conformity with the Right of Way angle (parallel with the Right of Way line) would have been very incongruous with the subdivision lines and the orientation of all homes west of the angle.
- It is the southeast corner of the house that appears to intrude due to the change in angle of the street. If one averages the perpendicular distances of the southwest (33.5’) and the southeast (21.25’) corners of the house proper (excluding the porch), the average setback is 27.4 feet as scaled on the property survey prepared by Charles Surmonte, P.E., P.L.S.
- The severe angle or change of direction in the Bradley Boulevard Right of Way occurring at the southwest corner of the property makes exact compliance with the setback requirement very difficult, unless the house were oriented to conform with the right of way line rather than the prior approved subdivision lines. We would hope the Board would recognize a property hardship caused by this change in the direction of the right of way.
- Lastly, Section 450-13. A.2 permits the front porch to extend eight feet into the front yard setback. Therefore, all front yard setback measurements should be from the house proper and not the porch. The survey shows the closest front porch setback to be 13 feet.

Regarding the Variance 2., the attic level porch:

- As we were considering design elements for the proposed improvements, **we noticed several newly remodeled or newly built homes with attic level porches or balconies.** While there are many throughout the Borough, some of the ones we looked at include:
 - 216 Park Place – Attachment C is a photograph of this property as an example.
 - 219 Park Place
 - 300 Third Avenue
 - 300 ½ Third Avenue
 - 302 Third Avenue
 - 112 Third Avenue
 - 114 Third Avenue
 - 200 Second Avenue
 - 102 Beach Avenue
 - 203 Beach Avenue
 - 205 Beach Avenue
 - 207 Evergreen Avenue
 - 212 Evergreen Avenue
 - 200 Bradley Boulevard
 - 201 Bradley Boulevard
- When we looked up the files of a few of these properties we found that they were approved recently by a former Zoning Officer. We expected the submission of plans for the attic level porch or balcony to be approved given all of these throughout the Borough. We were surprised when the current Zoning Officer told us a variance or design waiver would be needed.
- The first property in the above list was the property photograph we supplied to our architect for him to design our remodel. (Attachment C) In reviewing that file and speaking with the owner, all that was required by the Borough for the issuance of a Zoning Permit for this property was that the new house maintain the same footprint of the prior house that was previously located on the property. This is the case for our application also, though this application is for a renovation of an existing house, not the construction of a new house.
- There are so many of these upper porches or balconies within new construction within the Borough, it would seem to be appropriate to permit this design feature for this property.
- Section 450-13. C. requires a balcony to be within the setback lines and to be no more than 80 square feet. Our plan has designed this attic level porch or balcony to be 49.5 square feet. Our design meets both requirements. However, it is about 4.5 feet deep rather than the prescribed 2 feet in depth. If this feature is determined by the Land Use Board to be a balcony, then for this we seek a design waiver as suggested by the Zoning Officer for the additional 2.5 feet in depth.
- Lastly, the attic level porch or balcony would provide for an easier and more accessible alternative means of egress from the attic level than utilizing a window as emergency egress.