LAND USE BOARD APPLICATION FOR USE VARIANCE AND/OR BULK VARIANCE(S)

Information on Subject Property:

	Property address:	309 ½ McCabe Avenue		1000
		Block(s)36	Lot(s) 7	
		Zone: R-1		
2.	Does the Applicant or	wn adjoining property? YES	x NO	
	If answer to foregoing i	s yes, describe location and size of adjo	oining property:	
3.	An application is hereby made for a variance(s) from the terms of Article(s) and Section(s): Applicant proposes to add a second floor addition to the existing detached garage for the purposes of adding one accessory bedroom related to the principal dwelling which will include a bathroom. No kitchen facilities are proposed and the bedroom is to be used solely in conjunction with the use of the principal structure and not as a garage apartment or as a rental structure. The second story addition will have the same setbacks as the existing garage, and the existing garage has a 2-foot rear yard setback where 5 feet is required and a side yard setback of 2.3 feet where 5 feet is required. The lot in question also has various pre-existing nonconformities as to lot area and lot width. Additionally, the principal structure has an existing front yard setback violation where 25 feet is required and 24 feet exist and a side yard setback nonconformity where a minimum of 5 feet and combined 10 feet is required where the property has 1.6 feet and 7.1 feet. These existing nonconformities are not changed or exacerbated in any way. Therefore, the only variances are related to the second floor addition to the garage which will be within the same footprint as the garage matching the setback violations that the garage currently has as set forth above. Off-street parking is available through the driveway. Applicant has obtained an easement from a lot contiguous to the driveway in order to accommodate cars parking in the applicant's driveway so they can open the driver's side door and passenger door on the same side allowing occupants to exit the vehicle to then gain access to applicant's property. The			

4. Justification/Reasons why each variance should be granted [attach forms as necessary]

Applicant previously filed an application for a variance to have a garage apartment. The application was heard by the Board on May 21, 2020. The Board suggested the applicant carry the application to revise the plans, and the matter was carried. However, the applicant did not continue with the application after that point. The applicant has now abandoned the proposed use of a garage apartment and simply seeks to add one additional bedroom on the new second story for the garage with a bathroom. This will simply be an accessory bedroom to the principal dwelling and will not be rented nor will it qualify as a garage apartment as it will have no cooking facilities. All the contiguous properties have similar garage apartments, and the garage apartment use is common throughout the neighborhood, and in fact, the garage apartment use is a permitted use in the zone. However, because of the size of the lot, applicant believes that the lot is too small for the actual garage apartment use and hence simply wants to gain additional bedroom space by utilizing a second story of the garage as there is no reasonable way to expand the house to increase the number of bedrooms. Any such expansion would create new variances which are not requested here. The only so-called new variance is the fact that the second story will be over the existing footprint of the garage which has pre-existing nonconforming rear and side yard setbacks which may, therefore, be deemed exacerbated by the second floor also being within the same setback area.

Other than that, there are no other changes to the site other than the fact that the easement has been obtained from the neighboring property to allow a more functional driveway use. Therefore, in light of the fact that the garage apartment is a permitted use in the zone, and the applicant is only looking to have an additional bedroom without a garage apartment and

	lot, applicant believes it does have a practical difficulty and hardship that justifies the variances which will have no substantial detrimental impact on the surrounding properties as nearly the same situations proposed by applicant exist all the contiguous properties.
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
C	ontact Information:
6.	Name of applicant: Ann Marie Kuder
	Mailing address: 7 Long Valley Drive, Nanuet, NY 10954
	Phone # Fax # Cell #
	E-mail address:

can only accomplish same by obtaining the variances requested because of the current structures lawfully existing on the

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):
	N/A
8.	Name of present owner: Ann Marie Kuder
	Mailing address: 7 Long Valley Drive, Nanuet, NY 10954
	Phone # Fax # Cell #
	E-mail address:
9.	Contact Person: Thomas J. Hirsch, Esq.
	Mailing address: 3350 Rt., 138, Bldg. 1, Suite 214, Wall, NJ 07719
	Phone #732-280-2100 Fax #732-280-2104 Cell #
	E-mail address: thomasjhirsch@aol.com
Aı	oplicant's Professionals' Information:
10	. Name of applicant's Attorney (if applicable) (Companies/Corporations must be represented): Thomas J. Hirsch
	Mailing Address: 3350 Rt., 138, Bldg. 1, Suite 214, Wall, NJ 07719
	Phone #732-280-2100 Fax # 732-280-2104 Cell #
	E-mail address: thomasjhirsch@aol.com
11	. Name of applicant's Engineer (if applicable): Chet Surmonte
	Mailing Address: 301 Main Street, Allenhurst, NJ 07711
	Phone # 732-660-0606 Fax # 732-660-0404 Cell #
	E-mail address:ct.surmonte@comcast.net
12	. Name of applicant's Planner (if applicable): Justin e. Auciello, AICP, PP
	Mailing Address: Cofone Consulting Group, 125 Half Mile Road, Ste. 200, Red Bank, NJ 07701
	Phone # 732-933-2715 Fax # Cell #
	E-mail address: auciello@cofoneconsulting.com
13	. Name of applicant's Surveyor: <u>Chet Surmonte</u>
	Mailing Address: Same as above
	Phone # Fax # Cell #
	E-mail address:

14. Name of applicant's Architect (if applicable): Edward S. Gorleski, AIA, NCARB				
Mailing Address:	128 Bartlett Ave., Suite #7, West Creek, NJ 08092			
Phone # 609-87	79-3005	Fax #	Cell #	
E-mail address:	_ed@cmgworksl	nop.com		
·	mandanad			
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)

PRINCIPAL USE:	Required and/or Permitted	Existing	Proposed
Minimum lot area	5000 SF	3750 SF	3750 SF
Minimum lot width	50.0	25.0	25.0
Minimum lot depth	100.0	150.0	150.0
Minimum lot frontage	50.0	50.0	50.0
Minimum front yard setback	25.0	24.0	24.0
Minimum rear yard setback	25.0	62.2	62.2
Minimum side yard setback	5/10	1.6/7.1	1.6/7.1
Maximum percent building coverage	35%	41.8%	41.8%
Maximum percent lot coverage	60%	77%	77%
Maximum number of stories	2.5	2.5	2.5
Maximum building height (in feet)	N/A	No Change	No Change
Square footage of principal structure	N/A		
Off-street parking spaces	3	3	3
Prevailing Setback of adjacent buildings with	nin the block/within 200 ft.	N/A	
ACCESSORY USE/STRUCTURE:	Required and/or Permitted	Existing	Proposed
Minimum front yard setback	N/A		
Minimum rear yard setback	5.0'	2.0'	2.0'
Minimum side yard setback	5.0'	2.3'	2.3'
Minimum combined side yard setback	N/A	6.3'	6.3'
Maximum percent building coverage	35%	41.8%	41.8%
Maximum percent lot coverage	60%	77.0%	77.0%
Maximum number of stories	2	1	2
Maximum building height (in feet)	25'	12.5'	16' 10"
Square footage of accessory structure	1400 SF	360 SF	684 SF
Distance between principal & accessory structure		41'	41'
Existing use or uses on the lot: Single family	y home and detached garage		-
Proposed use or uses on the lot: Single fami	ly home and add second story to ga	rage for an accessory bea	lroom and bathroom
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:	N / A

7. Are any extensions of municipal facilities or utilities involved with this application? Y N N N N N N N N N N N N N N N N N N			
			8. Are drainage ditches, streams, or other water courses involved with this application? Y \(\subseteq\) N
If answer is YES, describe:			
9. Has there been any previous applications before the Planning/Zoning Board/Land Use Board involving these premises? Yes X No Unknown			
If so, when:			
Result of decision: No Decision (attach copy of prior Resolution) N/A			
0. Has a Zoning denial been received as part of this application? YES NO If yes, please attach.			
1. 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 York : :ss County of New York::			
Ann Marie Kuder being of full age, being duly sworn according to			
Law, on oath depose and says that all the above statements are true. (Original Signature of Applicant to be Notarized)			
SUSANA M PEREZ NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01PE6309313 Qualified in Queens County Commission Expires 08-11-20_26 Ann Marie Kuder (Print Name of Applicant)			
Sworn and subscribed before me this (Notary Seal)			
12th day of January, 2023			
12th day of January, 2023 Susanam Perez			
Signature of Notary Public			

SITE VISIT AUTHORIZATION OF PROPERTY OWNER

said of Board's professionals of which is the subject matter of the	of the Borough of Bradley Beach Land Use Board, any of reviewing agencies of the Board to enter upon the property his application, during daylight hours, for limited purpose of ament to the Board as to the pending application.
Date: 1 12 23	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: Ann Marie Kuder	int]	
Property Address: 309 ½ McCabe Avenue	Block 36 Lot 7	
Applicant's Name: Ann Marie Kuder [Print Name]	[Signature of Applicant]	
Owner's Name: Same [Print Name]	[Signature of Owner]	
Date: 1 22		