

LEON S. AVAKIAN, INC. *Consulting Engineers*

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March 7, 2023

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

**Re: Kuder Residence  
309 ½ McCabe Avenue  
Block 36, Lot 7  
Our File BBPB 23-02**

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 four (4) sheets prepared by Edward S. Corleski, R.A. of the Creative Minds Group Architecture, LLC , dated June 29, 2022, with no revisions.
- A plot/grading plan consisting of one (1) sheet prepared by Charles Surmonte, P.E., & P.L.S., dated November 11, 2022, with the latest revisions dated February 14, 2023.
- A survey of property consisting of one (1) sheet prepared by Charles Surmonte, P.E., & P.L.S., dated August 30, 2022, with no revisions.
- A description of the proposed driveway easement consisting of one (1) sheet prepared by Charles Surmonte, P.E. & P.L.S., dated November 11, 2022, with no revisions.

The 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 309 ½ McCabe Avenue (Lot 7, Block 36) with a total area of 3,750 square feet. The lot is rectangular in shape and measures 25 feet in width by 150 feet in depth.
- B. The existing lot contains a two-story framed dwelling with a covered front porch, paver driveway, paver patio, and detached (garage) structure.

- C. The Applicant is proposing living space above the existing detached (garage) structure. This is a change in use from detached (garage) structure to garage apartment.
- D. The Applicant is proposing a garage apartment and the garage portion is not accessible by an automobile.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and the existing single-family dwelling is a permitted principal use in this zone.
- B. The proposed garage apartment is a permitted accessory use in this zone.
- C. The proposed improvements require Board Approval for variances on number of internal parking spaces for a garage apartment, side and rear yard setback to the garage apartment, and others described in this report. The property and structures have existing non-conformities with lot area, lot width, front yard setback, building coverage, impervious coverage, and others as described in this report.

3. **Variances and Waivers**

- A. In accordance with Section 450-4 (Definitions), a private garage is a structure that is accessory to a dwelling use, is used for the parking and storage of vehicles owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public. The existing accessory structure is not a garage because an automobile cannot access the structure. The Applicant's plot plan does not indicate a proposed driveway or existing driveway to this structure. Testimony should be provided on how a car will access the garage and provide a plan indicating access by automobile.
- B. In accordance with Section 450-4 (Definitions), an apartment is a room or suite of rooms, including complete kitchen facilities, toilet, bathing and washing facilities, and living space that is designed or intended to be used as a single dwelling unit. Therefore, the proposed space above is not an apartment because it does not have a complete kitchen facility. The proposed bedroom with bathroom is not a permitted accessory structure. **A variance is required.**

- C. 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 McCabe Avenue. The existing porch setback is 13.7 feet, which represents an existing non-conformity.
- D. In accordance with Section 450-26.B.(1), garage apartments, the following variance or existing non-conformities are noted below:
- 1) In accordance with Section 450-26.B.(1)(g), the maximum eave height for a garage apartment is 12 feet. Our office scaled 10.0 feet for the eave height, which conforms. The Applicant should provide this dimension on the plan. Also, testimony should be provided on the eave height.
  - 2) In accordance with Section 450-26.B.(1)(h), the minimum number of internal spaces shall be two (2) spaces for a garage apartment. The Applicant is proposing one (1) internal space. **A variance is required.**
- E. In accordance with Section 450-26.D., area, yard, and building requirements, the following variances 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 3,750 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 25 feet, which represents an existing non-conformity.
  - 3) In accordance with Section 450-26.D.(1)(d), the front yard depth shall be a minimum of 25 feet on east-west streets or the minimum depth of any front yard within the block and fronting on the same street on which the structure fronts. 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 existing front yard setback is 24.0 feet, which represents an existing non-conformity.

- 4) In accordance with Section 450-26.D.(1)(e) the minimum side yard setback permitted per the zoned district is 5 feet on one side and 10 feet on the other side. For lots not meeting the minimum lot width requirements that exist shall be 10% (2.5 feet) and 20% (5.0 feet) of the lot width. The existing principal dwelling is 1.6 feet on the west side and 7.1 feet on the east side. The west side yard setback represents an existing non-conformity.
- 5) In accordance with Section 450.26.D.(1)(h), the maximum building coverage permitted is 35%. The existing building coverage is 41.8%, which represents an existing non-conformity. The proposed improvements will not increase the building coverage.
- 6) In accordance with Section 450.26.D.(1)(i), the maximum impervious coverage permitted is 60%. The existing impervious coverage is 77.0%, which represents an existing non-conformity. The proposed improvements will not increase the impervious coverage.
- 7) In accordance with Section 450-26.D.(1)(j), the minimum off-street parking permitted is two spaces per dwelling. The Applicant is required to have four (4) off-street parking spaces. It appears that no off-street parking is provided as the driveway is only 7 feet wide, which is smaller than a parking space width. The Applicant has indicated a 2.5-foot-wide access easement on adjacent Lot 8. This will make the driveway 9.6 feet, which complies with parking space width.
- 8) In accordance with Section 450-26.D.(1)(k), the minimum side yard (accessory structure) is 5 feet. The existing side yard setback for the garage is 2.3 feet on the east side and 4.0 feet on the west side. Both of these side yard setbacks represent an existing non-conformity. The proposed apartment above the garage having the same side yard setback is an expansion of an existing non-conformity **A variance is required.**
- 9) In accordance with Section 450-26.D.(1)(l), the minimum rear yard setback (accessory structure) is 5 feet. The existing rear yard setback for the garage is 2.0 feet, which represents an existing non-

conformity. The proposed apartment above the garage having the same rear yard setback is an expansion of an existing non-conformity. **A variance is required.**

4. **General Comments**

- A. The Applicant should provide testimony on the overhead wire over the existing garage.
- 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. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- D. The Applicant should provide information that taxes are currently paid.
- E. 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

DMH:mfl

cc: Kristie Dickert, Board Secretary  
Mark Kitrick, Esq. Board Attorney  
Thomas J. Hirsch, Esq., Applicant's Attorney  
Charles Surmonte, P.P. & P.L.S., Applicant's Engineer  
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