

LEON S. AVAKIAN, INC. *Consulting Engineers*

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June 9, 2023

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

**Re: Rivera Residence
Block 69, Lot 7
402 Second Avenue
Borough of Bradley Beach
Our File BBPB 23-10**

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 Laurence G. Murphy, P.E., of Greensite Engineering & Consulting, LLC, dated March 3, 2023, with the latest revisions dated April 27, 2023.
- An architectural plan consisting of one (1) sheet prepared by Daniel J. Fortunato, R.A., of Fortunato Architecture dated October 25, 2022, with the latest revisions dated April 20, 2023.
- A survey of property consisting of one (1) sheet prepared by David J. Von Steenburg, P.L.S., of Morgan Engineering & Surveying, dated January 20, 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 402 Second Avenue (Lot 7, Block 69) with a total area of 6,011 square feet.
- B. The existing lot contains a 2-story dwelling with a detached garage.
- C. The Applicant is proposing a front porch and a balcony.

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 use.
- B. The existing detached garage is a permitted accessory use in this zone.
- C. The proposed improvements require Board approval for variances on front yard setback to the porch, location of the balcony, balcony size, building coverage, separation between principal dwelling and accessory structure, and others as described in this letter.

3. **Variances and Waivers**

- A. The Applicant is requesting a waiver from (270 Attachment 1) Appendix A, Borough of Bradley Beach Application Checklist and Documents required to be submitted:
 - B.5. Key map at specified scale showing location of surrounding properties, streets, easements, municipal boundaries, etc. within 500 feet of the property. **The Applicant is requesting a waiver.**
 - B.6. North arrow and scale for key map and plat. Scale to include bar graph depicting both feet and meters. **The Applicant is requesting a waiver.**
 - B.23 Property owners within 200 feet of the property. (From the most recent Borough tax records). **The Applicant is requesting a waiver.**
- 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), (porch setbacks), states that 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 the average setback map or plan. The permitted porch setback is 17.0 feet along Second Avenue. The Applicant indicates a proposed porch front yard setback of 17.33 feet. By our office calculations the front yard setback should be 16.5 feet. **A variance is required.** The Applicant should rectify the discrepancy.

- 2) The Applicant indicates a deck over the existing flat roof. The platform appears to be a balcony by the zoning definition. A balcony is an exterior covered or uncovered platform structure, enclosed by a railing that sits over a portion of the footprint of the first and second floor of the dwelling below.
- 3) In accordance with Section 450-13.C.(2), (Requirements), states that each balcony cannot exceed 80 square feet. The Applicant is proposing a balcony area of 305 square feet. **A variance is required.**
- 4) In accordance with Section 450-13.C.(6), (Location), states that balconies shall be permitted at the front of the dwelling only. The applicant is proposing a balcony in the side yard. **A variance is required.**

C. 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)(c), states that the minimum lot depth permitted per the zoned district is 100 feet. The existing lot depth is 85.97 feet, which represents an existing non-conformity.
- 2) In accordance with Section 450-26.D(1)(d), states that the minimum front yard setback permitted for a street east to west (Ocean Park Avenue) is 25 feet and for a street running north to south is 15 feet, or the minimum depth of any front yard within the block and fronting on the same street on which the structure fronts, whichever is greater. 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 Applicant did not provide the average setback map or plan. The existing front yard setback is 25.0 feet, which conforms.

- 3) In accordance with Section 450-26.D.(1)(e), states that the minimum side yard setback permitted per the zoned district is 5 feet and 10 feet.

The existing west side yard setback is 4.3 feet, which represents an existing non-conformity. The existing east side yard setback is 13.5 feet, which conforms. The Applicant is proposing a west side yard setback of 6.25 feet to the front porch, which conforms. The Applicant is proposing an east side yard setback of 13.5 feet to the porch, which conforms.

- 4) In accordance with Section 450.26.D.(1)(f), states that the minimum rear yard setback permitted per the zoned district is 25 feet. For lots not meeting the lot depth requirement, the rear yard setback may be reduced proportionately to the existing lot depth as a percentage of the required lot depth. The permitted rear yard setback is 21.49 feet. The existing rear yard setback is 20.9 feet, which represents an existing non-conformity.
- 5) In accordance with Section 450.26.D.(1)(h), states that the maximum building coverage permitted is 35% of the lot area. The existing building coverage is 30.4%, which conforms. The Applicant is proposing a building coverage of 37.0%. **A variance is required.**
- 6) In accordance with Section 450.26.D.(1)(i), states that the maximum impervious coverage permitted is 60% of the lot area. The existing impervious coverage is 55.7%, which conforms. The Applicant is proposing an impervious coverage of 58.3%, which conforms.
- 7) In accordance with Section 450-26.D.(1)(k), states that the minimum side yard setback for an accessory structure (detached garage) is 5 feet. The existing side yard setback is 1.1 feet to the garage, which represents an existing non-conformity.
- 8) In accordance with Section 450-26.D.(1)(l), states that the minimum rear yard setback for an accessory structure (detached garage) is 5 feet. The existing side yard setback is 1.1 feet to the garage, which represents an existing non-conformity.
- 9) In accordance with Section 450-26.D.(1)(m), states that the minimum distance from primary structure is 20 feet. The Applicant is proposing a distance of 14.4 feet between the garage and the proposed balcony. **A variance is required.**

- D. In accordance with Section 450-41.A.(1), states that the driveways and parking areas shall be a minimum of 8 feet in width inside the property lines and shall be located a minimum of 3 feet from a side lot line. The existing driveway width is 11.3 feet, which conforms. The existing driveway setback is 2 feet, which represents an existing non-conformity.

4. **General Comments**

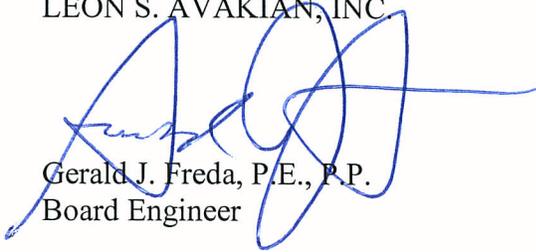
- A. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- C. **Our office recommends the proposed roof drains to be piped to a wet well system with a pop-up emitter in the front yard. The design of this system should be provided for review.**
- 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
Richard Stone, Esq., Applicant's Attorney
Laurence G. Murphy, P.E., Applicant's Engineer
Daniel J. Fortunato, R.A., Applicant's Architect

BB/PB/23/23-10a