

April 2, 2024

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

**Re: Flynn Residence
Block 37, Lot 41
214 LaReine Avenue
Borough of Bradley Beach
Our File: BBPB 23-25**

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 pool grading plan consisting of two (2) sheets prepared by James E. Maccariella, Jr., P.E., dated August 23, 2023, with the latest revisions dated March 1, 2024.
- A survey of property consisting of one (1) sheet prepared by Daren C. Leeper, P.L.S., of Leeper Land Group, LLC, dated November 13, 2023, 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 214 LaReine Avenue (Lot 41, Block 37) with a total area of 7,500 square feet.
- B. The existing lot contains a 2 ½-story, two-family dwelling with a covered porch, driveway, and patio.
- C. The Applicant is relocating the existing shed and proposing an inground swimming pool with spa.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and the existing two-family dwelling is not a permitted use.

- B. The proposed improvements require Board approval for a variance on use and others as described in this letter.

3. **Variations and Waivers**

- A. In accordance with Section 450-26.A.(1) states that *the permitted principal uses for the R-1 Zoned District is a single-family dwelling*. The existing two-family dwelling represents an existing non-conforming structure. The Applicant is proposing a swimming pool and relocating the shed, which is an expansion of a non-conforming use. **A d(2) 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 406-4 Swimming Pools layout and design, the following variances or existing non-conformities are note below:
- 1) In accordance with Section 406-4.A. states that *swimming pools and accessories thereto shall be permitted in the rear yard area only*. The swimming pool is located in the rear yard, which conforms.
 - 2) In accordance with Section 406-4.B.(1) states that *swimming pools, pool decks and pump and filtration systems shall maintain the following minimum setback of 6 feet from the side lot line*. The Applicant is proposing an east side yard setback of 7 feet to the pool water surface, which conforms. The Applicant is also proposing an east side yard setback of 6 feet to the pool patio and pool filter/heater, which conforms. The proposed west side yard setback to the pool, pool patio, and pool filter/heater is well over 6 feet, which conforms.

- 3) In accordance with Section 406-4.B.(2) states that *swimming pools, pool decks and pump and filtration systems shall maintain the following minimum setback of 6 feet from the rear lot line.* The Applicant is proposing a rear yard setback of 12 feet to the pool water surface, which conforms. The Applicant is also proposing a rear yard setback of 8 feet to the pool patio, which conforms.
 - 4) In accordance with Section 406-4.B.(3) states that *swimming pools, pool decks and pump and filtration systems shall maintain the following minimum setback of 15 feet from the primary structure.* The Applicant is proposing 15 feet from the primary structure to the spa part of the swimming pool, which conforms. The Applicant is proposing no separation between the primary structure and the pool filter/heater. **A variance is required.**
 - 5) In accordance with Section 406-4.B.(4) states that *swimming pools, pool decks and pump and filtration systems shall maintain the following minimum setback of 10 feet from the accessory structure.* The Applicant is proposing 10 feet from the relocated shed to the swimming pool, which conforms. The Applicant is proposing well over 10 feet separation between the relocated shed and the pool filter/heater, which conforms.
 - 6) In accordance with Section 406-4.D. states that *filtration systems shall be located in the rear yard area and screened so as not to be visible from the street or neighboring properties.* The Applicant is proposing the pool filter/heater in the rear yard, which conforms. The plans do not show any screening from the neighboring properties. **A variance is required.**
 - 7) In accordance with Section 406-4.D. states that *the bottom of in-ground pools shall be a minimum of two feet above the seasonal high ground water table.* The Applicant indicates the pool depth is 5.5 feet and the seasonal high-water table is 7.5 feet. The bottom of the in-ground pool is 2 feet above seasonal high-water table, which complies. The Applicant should provide the elevations of the pool coping, the bottom of the in-ground pool, and the seasonal high-water table.
- C. 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 feet from LaReine Avenue. The existing front porch setback is 16.5 feet, which represents an existing non-conformity.

- 2) In accordance with Section 450-13.J.(2) states that *there will be a limit of one storage shed per building lot that cannot exceed a maximum area of 100 square feet. A storage shed must have a pitched roof of at least three inches rise per 12 inches run. Our office calculates the relocated shed is 96 square feet, which conforms. The Applicant should provide testimony on the roof pitch.*
 - 3) In accordance with Section 450-13.J.(3) states that *any storage shed shall be erected no closer than three feet from a side or rear property line. The Applicant is relocated the shed to have a side yard setback of 5 feet and a rear yard setback of 3 feet. Both of these setbacks conform.*
 - 4) In accordance with Section 450-13.J.(5) states that *no shed shall exceed 10 feet in height. No shed shall exceed one story. The Applicant should provide testimony on the height of the relocated shed.*
- D. 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)(d), states that *the minimum front yard setback permitted for a street east to west (LaReine Avenue) is 25 feet and for a street running north to 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 24.8 feet, which represents an existing non-conformity.*

- 2) 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 east side yard setback is 3 feet, which represents an existing non-conformity. The Applicant is proposing a side yard setback of 8.6 feet, which represents an existing non-conformity.
- 3) In accordance with Section 450-26.D.(1)(h), states that *the maximum building coverage permitted is 35% of the lot area*. Our office calculates an existing building coverage is 20.6%, which conforms.
- 4) 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 48.2%, which conforms. The Applicant is proposing an impervious coverage of 59.9%, which conforms.

4. **General Comments**

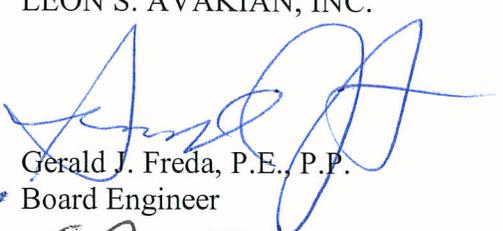
- A. The Applicant should revise the plan to clearly indicate the concrete to be removed.
- B. The plans indicate a deck drain. The Applicant should provide testimony where the trench drain will discharge.
- C. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced, if found in poor condition.
- D. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- E. **Our office recommends the proposed roof drains to be piped to a wet well system with a pop-up emitter overflow located at the curb. The design of this system should be provided for review.**
- F. The Applicant should provide information that taxes are currently paid.
- G. The Applicant shall secure any and all construction permits needed for the project.
- H. The Applicant should provide testimony regarding the proposed pool use. Will the pool be available for both units to utilize or only one?
- I. Testimony should be provided regarding the existing and proposed on-site parking.

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
James E. Maccariella, Jr., P.E., Applicant's Engineer
John Flynn, Applicant

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