



June 24, 2025

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

**Re: Dimarco Residence
Block 26, Lot 1
116 McCabe Avenue
Borough of Bradley Beach
Bulk Variances
Our File BBPB 25-07**

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:

- Plot Plan of the property consisting of six (6) sheets prepared by Douglas D. Clelland, P.E., of Insite Engineering, LLC, dated April 1, 2025, last revised May 28, 2025.
- Survey of the property consisting of one (1) sheet prepared by Frank J. Barlowski, P.L.S., of InSite Surveying, LLC, dated October 11, 2024, last revised November 6, 2024.
- Architectural plan consisting of four (4) sheets prepared by Edward S. Gorleski, RA of The Creative Minds Group Architecture, LLC, dated April 18, 2025, with no revision date.

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. **Submission Waivers**

The Applicant is not requesting any waivers from the land development ordinance checklist as outlined below:

Appendix A - Application Checklist and Documents Required To Be Submitted
[Amended 7-23-2019 by Ord. No. 2019-18]

2. Project Description

- A. The existing lot contains a 2 - story, two-family dwelling with a covered front porch, detached garage, side/rear yard concrete patio, and driveway.
- B. The property is a corner lot located on the north side of McCabe Avenue and east side of Beach Avenue, (Lot 1, Block 26) with a total area of 5,000 square feet.
- C. The Applicant is proposing to demolish the existing dwelling and construct a 2 ½ - story single family dwelling with a front covered porch and elevated upper porch, (reduced) detached garage, rear paver patio and walkway, and driveway.

3. Zoning and Land Use

- A. The property is located in the R-B Residential Beachfront Zone and a single-family dwelling is permitted as a principal use in this zone.
- B. The Applicant is requesting Board approval for variances with building coverage and others as described in this letter.

4. Variances and Design Waivers

- A. The proposed improvements conform with the following requirements in the table below:

Lot	Required	Existing	Proposed
Minimum Lot Area	5,000 sf.	5,000 sf.	No Change
Minimum Lot Width	50 ft.	50 ft.	No Change
Minimum Lot Depth	100 ft.	100 ft.	No Change
Principal Building	Required	Existing	Proposed
Minimum Front Yard Setback, McCabe Ave. - <u>Building</u>	25 ft. or Average *(Average is 17.2 ft.)	12.1 ft. (NC)	17.22 ft.
Minimum Front Yard Setback, McCabe Ave. - <u>Porch</u>	8 ft. or Average *(Average is 8.8 ft.)	7.4 ft. (NC)	9.22 ft.
Minimum Front Yard Setback, Beach Ave. - <u>Building</u>	15 ft. or Average *(Average is 7.2 ft.)	12.4 ft. (NC)	15 ft.
Minimum Front Yard Setback, Beach Ave. - <u>Porch</u>	7 ft. or Average *(Average is 1.8 ft.)	N/A	10 ft.
Minimum Rear Yard Setback	25 ft.	38.2 ft.	43.99 ft.
Minimum Side Setback	5 ft. (One Side)	4.3 ft. (NC)	5 ft.
	10 ft. (Other Sides)	N/A	N/A
Maximum Building Height	35 ft.	26.1 ft.	35 ft.
Maximum Number of Stories	2 ½ Stories	2 Stories	2 ½ Stories

Maximum Chimney Projection	2 ft.	N/A	2 ft.
Accessory Structure (Garage)	Required	Existing	Proposed
Minimum Rear Yard Setback	5 ft.	4.1 ft. (NC)	No Change
Minimum Side Yard Setback	5 ft.	1.2 ft (NC)	No Change
Minimum Distance from Primary Structure	20 ft.	5.7 ft. (NC)	20.41 ft.
Maximum Building Area	800 sf.	590.3 sf.	403 sf.
Maximum Building Height	15 ft.	14.4 ft.	15 ft. (Architectural Plans indicate 14.6 ft.)
Fence	Required	Existing	Proposed
Maximum Height in Front Yard	3 ft.	N/A	4 ft. (V)
Maximum Height in Side Yard	4 ft.	N/A	4 ft.
Maximum Height in Rear Yard	6 ft.	N/A	4 ft.
Lot Coverage	Required	Existing	Proposed
Maximum Building Coverage	35%	35.8% (NC)	37.9% (V)
Maximum Impervious Coverage	60%	71.7% (NC)	59.94%
Parking and Driveway	Required	Existing	Proposed
Minimum Off-Street Parking Per Dwelling Unit	2	2 (2 Units)	2 (1 Unit)
Maximum Driveway Width in Rear Yard	24 ft.	32.5 ft. (NC)	19.46 ft.
Maximum Driveway Width in Front Yard	12 ft.	33 ft. (NC)	18.78 ft. (V)
Minimum Driveway Width	8 ft.	26.1 ft.	18 ft.
Maximum Driveway Curb Cut	12 ft.	25 ft. (NC)	18 ft. (V)
Minimum Driveway Distance to a Side Lot Line	1 ft.	5.6 ft.	4.1 ft. to Rear Lot Line
Minimum Driveway Length	20 ft.	28.1 ft.	28.06 ft.

(V) Variance

(N.G.)-Not Given

(NC) Existing Non-Conformity

Existing non-conformities -Twelve (12)

-Removing (7)

Proposed Variances - Four (4)

- * The Applicant has provided mapping and calculations of the average of the front yard setback of the principal dwellings and front porches on all developed properties on adjacent lots for both McCabe Avenue and Beach Avenue within 200 feet of the property as documented by a map prepared by a licensed land surveyor. The Applicant calculates the average front yard setback of 17.2 feet (McCabe Avenue) and 7.2 feet (Beach Avenue) to the dwelling and 8.8 feet (McCabe Avenue) and 1.8 feet (Beach Avenue) to the front porch. The Applicant should provide testimony.

- B. In accordance with Section 450-26.D.(1)(k) states *the minimum (accessory structure) rear yard setback is 5 feet*. The existing accessory structure rear yard setback is 4.1 feet, which is an existing non-conformity.

- C. In accordance with Section 450-26.D.(1)(j) states *the minimum (accessory structure) side yard setback is 5 feet*. The existing accessory structure side yard setback is 1.2 feet, which is an existing non-conformity.
- D. In accordance with Section 450-44.A. (Fence regulations) states that *all fences may be erected, altered or reconstructed to a height not exceeding three feet above ground level when located in any front yard, four feet in any side yard between the front and rear building line and six feet in any rear yard*. The Applicant is proposing a fence height of (4) feet within the front yard along Beach Avenue. **A variance is required.**
- E. In accordance with Section 450-26.D.(1)(g) states that *the maximum building coverage is 35% of the lot area*. The existing building coverage is 35.8%, which is an existing non-conformity. The Applicant is proposing a building coverage of 37.9%. **A variance is required.**
- F. In accordance with Section 450-41.A.(2) (Residential Parking and Driveway Requirements) states *curb cuts shall be a maximum of 12 feet in width. Driveway aprons shall be a maximum of 10 feet in width at the property line and 12 feet in width at the curblines. The portion of a sidewalk forming part of a driveway and the driveway apron shall be constructed of concrete, six inches thick, reinforced with six by six 10/10 WWM. Each lot shall have no more than one driveway and curb cut*. The existing curb cut at the driveway is 25 feet, which is an existing non-conformity. The Applicant is proposing a maximum curb cut of 18 feet. **A variance is required.**
- G. In accordance with Section 450-41.A.(3) (Residential Parking and Driveway Requirements) states *driveways and parking areas located in the front yard shall not exceed a width of 12 feet. Maximum driveway width of 24 feet is permitted in rear yard, only in front of a two-car garage*. The Applicant is proposing a maximum driveway width of 18.78 feet within the front yard (Beach Avenue). **A variance is required.**
- H. The Applicant indicates a “second floor balcony” is being proposed along McCabe Avenue. The “second floor balcony” does not meet the definition of balcony per ordinance requirements, that which shall be defined as “*An exterior covered or uncovered platform structure, enclosed by a railing, that sits within the footprint of the first or second floor of the dwelling below. A balcony cannot be over the footprint of a porch. No balcony floor is allowed above the highest story or half-story walking surface elevation.*” Additionally, the definition for upper porch is defined as: “*An exterior open and uncovered platform structure, without walls, accessed from a second floor. An upper porch must be located above a porch.*” **By definition, this platform is an upper porch and thus does not require a variance. Please**

revise the plans to indicate a proposed upper porch in lieu of the balcony.

5. **Required Proofs for Variance Relief**

- A. ***C Variances: A number of “c” variances are required. There are two types of c variances with different required proofs.***
- 1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
 - 2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”
 - 3) C variances must also show consistency with the negative criteria as well.

6. **General Comments**

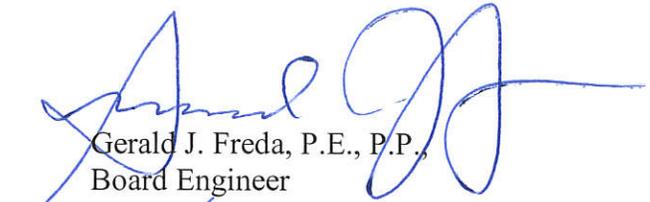
- A. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- C. Our office recommends a section of pipe on the property should be perforated pipe and surrounded by stone to allow runoff to seep into the ground within the limits of the property.
- D. The Applicant should provide testimony regarding ordinance requirements for the habitable floor area within the proposed half story, which shall not exceed 50% of the floor area below it.
- E. The Applicant should provide information that taxes are currently paid.
- F. 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.

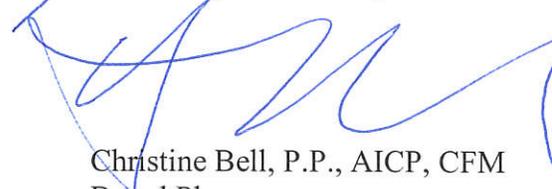
If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Gerald J. Freda, P.E., P.P.,
Board Engineer



Christine Bell, P.P., AICP, CFM
Board Planner

JOG

cc: Kristie Dickert, Board Secretary
Anne Marie Rizzuto, Esq., Board Attorney
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Douglas D. Clelland, P.E., Applicants Engineer
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BB/PB/25/25-07