



October 2, 2025

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

**Re: Kurtz Residence
Block 57, Lot 4
615 5th Avenue
Borough of Bradley Beach
Bulk Variances
Our File BBPB 25-10**

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:

- Plot Plan of the property consisting of one (1) sheet prepared by Daniel W. Caruso, P.E., of Landmark Surveying and Engineering, Inc., dated May 29, 2025, with no revision date.
- Survey of Property consisting of one (1) sheet prepared by Rodolfo Pierri, P.L.S., of Landmark Surveying and Engineering, Inc., dated June 18, 2021, last revised August 3, 2023.
- Garage Apartment As-Built Survey consisting of one (1) sheet prepared by Rodolfo Pierri, P.L.S., of Landmark Surveying and Engineering, Inc., dated August 28, 2024, last revised March 17, 2025.
- Architectural plan consisting of five (5) sheets prepared by Donald J. Passman, AIA of Passman Ercolino Architects, P.C., dated September 10, 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 ½ - story, single-family dwelling with a detached garage/garage apartment, covered front porch, side/rear yard concrete patio, and driveway.
- B. The property is located on the south side of 5th Avenue, (Lot 4, Block 57) with a total area of 9,110.14 square feet.
- C. The Applicant is proposing an addition to the existing dwelling to extend the 2 ½ - story single family dwelling approximately 825 square feet (scaled). Additional improvements include rear patio and side yard paver walkway with associated stormwater drywell improvements.

3. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and a single-family dwelling with detached garage/garage apartment is permitted as a principal use in this zone.
- B. The Applicant is requesting Board approval for variances with building height 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.	9,110.14 sf.	No Change
Minimum Lot Width	50 ft.	50 ft.	No Change
Minimum Lot Depth	100 ft.	186.10 ft.	No Change
Principal Building	Required	Existing	Proposed
Minimum Front Yard Setback	25 ft. or Average *(Average is 29.35 ft. to dwelling)	23.06 ft. (NC)	No Change
Minimum Rear Yard Setback	25 ft.	110.84 ft.	110.84 ft.
Minimum Side Yard Setback	5 ft. (One Side)	2.06 ft. (NC)	No Change
	10 ft. (Other Sides)	12.23 ft.	No Change
Maximum Building Height	35 ft.	36.25 ft. (NC) (Application indicates 35.25 ft.)	36.25 ft. (V) (Application indicates 35.25 ft.)
Maximum Number of Stories	2 ½ Stories	2 Stories	2 ½ Stories
Accessory Structure (Garage/Apt.)	Required	Existing	Proposed
Minimum Rear Yard Setback	5 ft.	6.86 ft.	No Change

Minimum Side Yard Setback	5 ft.	7.26 ft	No Change
Minimum Distance from Primary Structure	20 ft.	>20 ft.	No Change
Maximum Building Area	800 sf.	772.25 sf.	No Change
Maximum Building Height	15 ft.	N.G.	No Change
Lot Coverage	Required	Existing	Proposed
Maximum Building Coverage	35%	25.2%	34.8%
Maximum Impervious Coverage	60%	51.5%	56.62%
Parking and Driveway	Required	Existing	Proposed
Minimum Off-Street Parking Per Dwelling Unit	4	>4 (2 Units)	>4 (2 Units)

(V) Variance

(N.G.)-Not Given

(NC) Existing Non-Conformity

Existing non-conformities -Three (3)

-Removing (0)

Proposed Variances - One (1)

* 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 Fifth 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 29.35 feet to the dwelling and 23.06 feet to the front porch. The Applicant should provide testimony.

- B. In accordance with Section 450-26.D.(1)(d) states *the minimum front yard setback is 25 feet or 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.* The existing front yard setback is 23.06 feet, which is an existing non-conformity.
- C. In accordance with Section 450-26.D.(1)(e) states *the minimum side yard setback is 5 feet and 10 feet.* The existing side yard setback is 2.06 feet, which is an existing non-conformity.
- D. In accordance with Section 450-26.E.(2) states that *the maximum building height is 35 feet.* The existing dwelling height is 36.25 feet, which is an existing non-conformity. The Applicant is proposing an addition to the dwelling that shall have a non-conforming height of 36.25 feet (architectural plans). In accordance with Section 450-12.D regarding enlargement, extension, or addition of a nonconforming structure, **A variance is required.**

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**

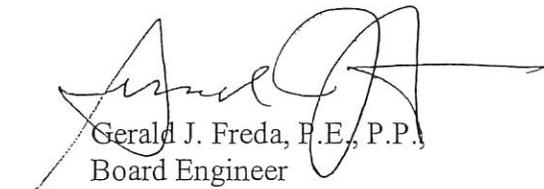
- A. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- C. The Applicant 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.
- 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.

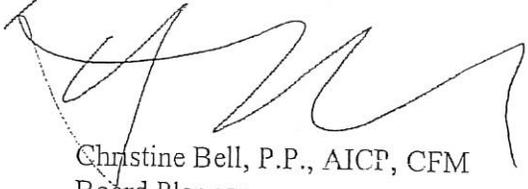
If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



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



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

JOG

cc: Kristie Dickert, Board Secretary
Anne Marie Rizzuto, Esq., Board Attorney
Christine Bell, A.I.C.P., P.P., Board Planner
Jeffrey P. Beekman, Esq., Applicants Attorney
Daniel W. Caruso, P.E., Applicants Engineer
Russell C. Kurtz, Applicant

BB/PB/25/25-10