

December 5, 2022

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

**Re: Papadakis Residence
Block 46, Lot 19
602 Fifth Avenue
Borough of Bradley Beach
Our File BBPB 22-18**

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 David J. Barici, R.A. of DJB Architect, dated October 31, 2022, with the latest revisions dated October 31, 2022.
- A plot plan consisting of one (1) sheet prepared by David J. Barici, R.A. of DJB Architect, dated September 20, 2022, with no revisions.
- A survey of property consisting of one (1) sheet prepared by David J. Von Steenburg, P.L.S. of Morgan Engineering & Surveying, dated April 28, 2022, with no revisions.

This 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 602 Fifth Avenue (Lot 19, Block 46) with a total area of 2,788 square feet.
- B. The existing lot contains a three-story single-family dwelling with rear deck.

- C. The Applicant is proposing a third story dormer addition, with renovation to the basement, first, and second floors. The Applicant is removing the rear deck and proposing a shed, outdoor shower, and patio in the rear yard.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone. The existing single-family dwelling is a permitted use in this zone.
- B. The proposed improvements require Board approval for variances with side setback to patio, number of stories, building height, and others as described in this report. Also, the lot has existing non-conformities in width and area.

3. **Variances and Waivers**

- A. In accordance with Section 450-13, Permitted Yard Encroachments, the following variances or non-conformities are noted below:
 - 1) 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 an averaging plan. The permitted porch setback is 17 feet along Fifth Avenue. The existing front yard setback to the porch is 16.3 feet, which represents an existing non-conformity.
 - 2) In accordance with Section 450-13.F.(2), (Patio Setbacks) for residential dwellings, patios are not allowed to encroach into any principal dwelling's setback requirements and shall never be closer than 5 feet of any side property line, nor closer than 5 feet to any rear yard property line. No patio shall extend beyond the side building line. For this property the side building setbacks are 2.5 feet and 5.0 feet. The proposed east side yard setback for the patio is 7.5 feet, which conforms.

The proposed west side yard setback for the patio is 3.3 feet. **A variance is required.**

For this property, the rear building setback is 25 feet. The proposed rear yard setback for the patio is approximately 30 feet, which conforms.

- 3) In accordance with Section 450-13.H.(2), (Entry Platform), a side or rear entry platform, including steps, may extend into the rear and side yard setbacks as long as a 3-foot setback is maintained.

The Applicant is proposing a platform entry and stairs at the rear of the dwelling. The proposed west side yard setback is 3.3 feet, which conforms. The proposed rear yard setback is greater than 3 feet, which conforms.

- 4) In accordance with Section 450-13.H.(4), (Coverage), an entry platform will not be greater than 4 feet in depth. Entry platforms, excluding stairs, shall be included in the building coverage. The proposed rear entry platform is 3 feet in depth, which conforms. **The Applicant should include the rear entry platforms, a part of building coverage.**

- 5) In accordance with Section 450-13.H.(7), (Stairs), side and rear entry platform stairs may extend into the rear and side yard setbacks as long as a 3-foot setback is maintained. The proposed rear entry stairs are setback more than 3 feet from the rear property line, which conforms. The proposed rear entry stairs are setback 3.3 feet from the west side property line, which conforms.

- 6) In accordance with Section 450-13.I.(2) (Storage Shed Requirements) 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 pitch roof of at least 3-inches rise per 12-inches run. The Applicant is proposing a storage shed area of 88 feet, which conforms. **The Applicant should provide testimony on the compliance of the roof pitch.**

- 7) In accordance with Section 450-13.I.(3), (Storage Shed Setbacks), any storage shed shall be erected no closer than 3 feet from the side or rear property line. The Applicant is proposing a storage shed setback of 5 feet from the west side property line and 5.05 feet from the rear property line, both setbacks conform.

- 8) In accordance with Section 450-13.I.(5), (Storage Shed Height), no storage shed shall exceed 10 feet or one story. **The Applicant should provide testimony on compliance.**
- B. In accordance with Section 450-23, (Kitchen facilities; basements), the following variances or existing non-conformities are noted below:
- 1) Other than in commercial buildings or in legally permitted garage apartments or in legally permitted multiple-family dwellings or structures in permitted zones in the Borough, it shall be forbidden to erect, alter or use any room or rooms in any building, structure, group of structures, or premises within the limits of the Borough of Bradley Beach, which said room or rooms shall be located below grade or in what is commonly known as a basement or cellar, for a kitchen or for sleeping facilities of any kind; it being forbidden to use, alter or erect any of the foregoing room or rooms for occupancy as living quarters, other than for use as a toilet or bathroom, a laundry or playroom, or a furnace or heating rooms or storage room or a workshop. Erection, alteration or use for a kitchen shall be deemed any kitchen facilities, and it is prohibited to install therein any stove, or stoves, oven or ovens, any cooking or baking facilities of any kind or nature, including the prohibition of cooking plates or cooking or baking instruments of any kind, and the connection for use of any such kitchen facilities, as aforesaid, shall be deemed a violation of this chapter. **The Applicant should provide testimony on the uses in the basement area.**
 - 2) No sinks shall be installed or connected in any room or rooms, as prohibited in the preceded paragraphs, other than for use for laundry purposes or bathroom and washing purposes. The Applicant is proposing a sink in the basement. **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)(a), the minimum lot area is 5,000 square feet. The existing lot area is 2,788 square feet, which represents an existing non-conformity.
 - 2) In accordance with Section 450-26.D.(1)(b), the minimum lot width permitted is 50 feet. The existing lot width is 25 feet, which represents an existing non-conformity.

- 3) In accordance with Section 450-29.D.(1)(d), the minimum front yard setback permitted for a street east to west (Fifth 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 front 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 front yard setback.

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 is 5 feet and 10 feet. 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 side yard setback is 2.1 feet on the west side and 5.0 feet on the east side. The west side yard setback represents an existing non-conformity.

The Applicant is proposing a west side yard setback of 5.0 feet to the dormer, which conforms.

- 5) In accordance with Section 450-26.D.(1)(h), the maximum building coverage permitted is 35% of the lot area. The existing building coverage is 31.3%, which conforms. Our office calculates a building coverage of 31.6%, which conforms. **The Applicant shall confirm the building coverage calculation.**
- 6) In accordance with Section 450-26.D.(1)(i), the maximum impervious coverage permitted is 60% of the lot area. The Applicant is proposing an impervious coverage of 55.8%, which conforms.
- 7) In accordance with Section 450-26.D.(1)(j), the minimum off-street parking permitted is two spaces per dwelling. No off-street parking is being proposed. **The Applicant should provide testimony on parking.**

- D. In accordance with Section 450-26.E.(2), the living space of single-family dwellings on lots that are either less than 4,000 square feet or less than 40 feet of frontage shall not exceed two-stories and 30 feet in height. The existing building height is 30.57 feet, which represents an existing non-conformity. The Applicant is proposing the dormer to match the building height of 30.57 feet, which is an expansion of an existing non-conformity. **A variance is required.** The proposed dormer is adding space to the third floor, which is an expansion of an existing non-conformity. **A variance is required.**

4. **General Comments**

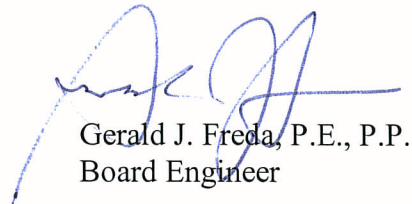
- A. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- B. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- C. The Applicant should provide information that taxes are currently paid.
- D. 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
Milton Bouhoutsos, Jr., Esq., Applicant's Attorney
David J. Barici, R.A., Applicant's Architect

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