

February 12, 2024
Revised May 6, 2024

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

**Re: Galos Residence
Block 81, Lot 4
27 ½ Pacific Avenue
Borough of Bradley Beach
Our File BBPB 23-28**

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 Paul Lawrence, R.A., of I House Architecture, dated November 6, 2023, with the latest revisions dated *April 10, 2024*.
- A survey of land consisting of one (1) sheet prepared by Paul K. Lynch, P.L.S., dated October 11, 2023, with no revisions.
- A site plan consisting of one (1) sheet prepared by Paul Lawrence, R.A., of I House Architecture, dated January 15, 2024, with the latest revisions dated *April 10, 2024*.

The application has been deemed COMPLETE. The letter is hereby amended as follows: ~~stricken text~~ indicates deletions and ***bold italic type*** indicates additions. Our original review comments remain as noted in the letter dated February 12, 2024, and we report as follows:

1. **Property Description**

- A. The property is located at house number 27 ½ Pacific Avenue (Lot 4, Block 81) with a total area of 4,900.5 square feet.
- B. The existing lot contains a 2-story dwelling with a garage apartment. Due to the size of the existing apartment, it is not considered a garage apartment, but rather a second principal dwelling.

C. The Applicant is proposing an addition to the garage which is under the existing second floor cantilever.

2. **Zoning and Land Use**

A. The property is located in the R-1 Residential Single-Family Zone and the two (2) principal dwellings on one (1) lot are not permitted.

B. The proposed improvements require Board approval for variances on use, side yard setback, and others as described in this letter.

3. **Variances and Waivers**

A. Ordinance Section 450-15 states “Except as might be hereinafter specifically provided, there shall not be more than one principal building erected on any lot.” This lot has two principal dwelling units, which represent existing non-conforming structures. The rear structure is not a garage apartment because it does not meet the requirements for garage apartments in size and exceed the number of bedrooms. In Ordinance Section 450-12.D. states “A non-conforming structure may not be enlarged, extended in height, width or depth, moved or relocated modified in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms.....” The Applicant is proposing an addition to the rear dwelling. This is an expansion of a non-conforming use. **A d(2) use 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 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), states that the minimum lot area permitted per the zoned district is 5,000 square feet. The existing lot area is 4,900.5 square feet, which represents an existing non-conformity.
 - 2) In accordance with Section 450-26.D.(1)(b), states that the minimum lot width permitted per the zoned district is 50 feet. The existing lot width is 32.67 feet, which represents an existing non-conformity.
 - 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. For lots not meeting the minimum lot width, the requirement that exists shall be 10% (3.27 feet) and 20% (6.54 feet) of the lot width.

Front Dwelling

The existing north side yard setback is 3.05 feet, which represents an existing non-conformity. The existing south side yard setback is 8.46 feet, which conforms. The Applicant is not proposing any changes.

Rear Dwelling

The existing north side yard setback is 2.0 feet, which represents an existing non-conformity. The existing south side yard setback is 3.2 feet, which represents an existing non-conformity.

The Applicant is proposing a north side yard setback of 2.0 feet, to the garage addition. This is an expansion of an existing non-conformity, in which **a variance is required.**

The Applicant is proposing a south side yard setback of approximately ~~6.4 feet~~ **3.2 feet** to the garage addition, whereas 6.5 feet is permitted. This is an expansion of an existing non-conformity in which **a variance is required.**

~~The existing deck attached encroaches onto Lot 5. The Applicant should provide testimony on the encroachment.~~

*The Applicant is removing a portion of the existing deck. The proposed south side yard setback of 3.2 feet, whereas 6.5 feet is required. **A VARIANCE IS REQUIRED.** The Applicant has removed the existing encroachment.*

- 4) In accordance with Section 450-26.D.(1)(f), the minimum rear yard setback per the zoned district is 25 feet.

Front Dwelling

The existing rear yard setback is approximately 81.5 feet, which conforms. The Applicant is not proposing any changes.

Rear Dwelling

The existing rear yard setback is 1.64 feet, which represents an existing non-conformity. The proposed addition does not expand the 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 34.63%, which conforms. Since the proposed addition is under the second-floor cantilever, the building coverage remains the same.
- 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 ~~64.67%~~ **63.5%**, 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. The Applicant should provide information that taxes are currently paid.
- D. The Applicant shall secure any and all construction permits needed for the project.

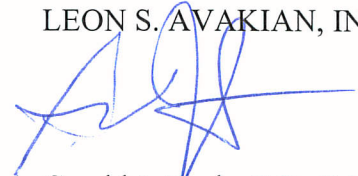
Our office reserves the right to provide additional comments upon receipt of revised plans.

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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 L. Bell, P.P., A.I.C.P.
Board Planner

DMH:mfl

cc: Kristie Dickert, Board Secretary
Mark Kitrick, Esq., Board Attorney
Paul Lawrence, R.A., Applicant's Architect
Richard B. Stone, Esq., Applicant's Attorney
~~Robert Gales, Applicant~~

BB/PB/23/23-28b