

LEON S. AVAKIAN, INC. *Consulting Engineers*

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February 22, 2024

Ms. Candace Mitchell
Planning Board Secretary
Borough of Sea Bright
Unified Planning Board
1199 Ocean Avenue
Sea Bright, NJ 07760

**Re: Eric Bischoff
12 South Street
Block 14, Lot 15
Variance Application
Our File: SBPB 24-04**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for variance approval for the above referenced project. The following documents were reviewed:

- Submission Letter from Anthony M. Condouris Architects, dated January 12, 2024.
- Architectural Plans consisting of three (3) sheets, prepared by Anthony M. Condouris Architect, Inc., dated October 19, 2023.

1. Site Analysis and Project Description

The subject property consists of Block 14, Lot 15, a 1,125 sq. ft. parcel located on the south side of South Street in the R-3 Downtown Residence Zone District. The property is currently developed with a 2-story single family dwelling with a concrete driveway. Residential uses are located to the east and south of the site. Vacant properties and residential uses are located to the north, and commercial uses include are located to the west of the subject property. The subject property is located within the FEMA Special Flood Hazard Area with a BFE of AE 8', requiring a design flood elevation of 11' per the Borough's ordinance.

The applicant is seeking variance relief approval to construct an addition of a third floor to the existing residential dwelling, as well as additions to the living space resulting in the expansion of a number of non-conforming conditions.

2. Consistency with the Zone Plan

The property is located in the R-3 Downtown Residence Zone District. Principal permitted uses in the R-3 Zone include single-family dwelling units, churches, and public parks. The existing and proposed single-family dwelling is a permitted use in the zone district.

3. Bulk Requirements

- A. The bulk requirements of the R-3 Residential Zone District as they relate to the subject application are as follows:

	Required	Proposed
Minimum Lot Area	1,800 sq. ft.	1,125 sq. ft. ⁺
Min. Lot Width	25 ft.	25 ft.
Minimum Lot Depth	60 ft.	45 ft. ⁺
Min. Front Yard Setback	5 to 12 ft.	0 ft.*
Min. Side Yard Setback	3/6 ft.	0 ft.*
Min. Rear Yard Setback	15 ft.	0.6 ft.*
Maximum Lot Coverage	70%	100% ⁺
Maximum Building Coverage	50%	76.8% ⁺
Max. Building Height	2 ½ stories/ 35 ft.	3 stories*/38 ft.
Min. Ground Floor Area	880 sq. ft.	

+existing non-conformity *variance required

- B. The minimum required lot area in the R-3 Zone is 1,800 sq. ft., whereas a lot area of 1,125 sq. ft. is existing. **This is an existing non-conformity.**
- C. The minimum required lot depth in the R-3 Zone is 60 ft., whereas a lot depth of 45 ft. is existing. **This is an existing non-conformity.**
- D. The minimum required front yard setback in the R-3 Zone is 5 to 12 ft., whereas the existing and proposed front yard setback is 0 ft. **This is an existing non-conformity, which is exacerbated by the proposed addition, requiring a variance.**
- E. The minimum required side yard setback in the R-3 Zone is 3 ft. for one side and 6 ft. for both sides, whereas 0 ft. and 0 ft. are existing and proposed. **This is an existing non-conformity, which is exacerbated by the proposed addition, requiring a variance.**
- F. The minimum required rear yard setback in the R-3 Zone is 15 ft., whereas the existing and proposed rear yard setback is 0.6 ft. **This is an existing non-conformity, which is exacerbated by the proposed addition, requiring a variance.**

- G. The maximum permitted building coverage in the R-3 Zone District is 50%, whereas 76.8% is existing and proposed. **This is an existing non-conformity.**
- H. The maximum permitted lot coverage in the R-3 Zone District is 70%, whereas 100% is existing and proposed. **This is an existing non-conformity.**
- I. The maximum permitted number of stories in the R-2 zone is 2.5 stories, whereas the applicant is proposing a three (3) story building. **A variance is required.**
- J. The applicant indicates the proposed height of the dwelling is 38 feet. As per §130-39A(6)(b), when renovations are made to an existing structure that has been raised a minimum of three feet above the base flood elevation, and the height limit has not been previously revised, then the height limit of the structure shall be revised to allow three additional feet in height to be added to the maximum allowable height for that particular structure. In no case shall the maximum allowable height exceed three feet above the base maximum allowable height as set forth in the Schedule of Lot and Building Requirements. For undersized lots, in no case shall the maximum allowable height exceed three feet above the maximum allowable height as calculated in the chapter. The applicant is proposing a maximum height of 38 ft., and is raising the structure to a first floor of 14.3 ft., which conforms.
- K. **Testimony should be provided as to the ground floor area. Additional variances may be required.**
- L. **The proposed structure consists of four (4) bedrooms. Under RSIS, a four (4) bedroom home would require 2.5 parking spaces and the Borough's ordinance would require 2 spaces. Testimony should be provided as to the existing and proposed number of parking spaces in the garage on existing driveway.**

4. **Required Proofs for Variance Relief**

C Variances

A number of “c” variances are required. There are two types of c variances with different required proofs.

- A. 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.
- B. 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.”

C. C variances must also show consistency with the negative criteria as well.

5. **Additional Comments**

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The applicant should revise the architectural plans to include the existing floor plan and facades so the Board can better understand where the proposed improvements are being made.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer C. Beahm, P.P.
Board Planner

JCB:clb

cc: David J. Hoder, P.E., Board Engineer
Ben Montenegro, Esq., Board Attorney
Anthony M. Condouris, Applicant's Architect