

June 9, 2025

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

**Re: The Larkins Residence  
8 East New Street  
Block 20, Lot 2  
Use Variance Approval  
Planning Review  
Our File: SBPB: 25-02**

Dear Board Members:

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

- Architectural and Floor Plans, consisting of three (3) sheets, prepared by Anthony M. Condouris Architect Inc., dated May 22, 2025.
- Borough Application for a zoning permit, consisting of two (2) dated May 7, 2025.
- Planning/Zoning Board Application, consisting of eight (8) sheets, dated May 22, 2025.
- Property Survey, consisting of one (1) sheet, prepared by David J. Vonsteenburgh PLS, of Morgan Engineering & Surveying, dated July 29, 2021.
- Site photographs of existing dwelling, consisting of eight (8) sheets.

**1. Site Analysis and Project Description**

The subject property consists of Block 20, Lot 2; a  $\pm 0.04$  acre property in the B-1 Central Business Zone District in the southern portion of the Borough. The property is bounded by East New Street, to the north, and East Surf Street, to the south. The property is currently developed with a two-

story single-family dwelling. There is a roof deck on the second floor, located at the rear of the structure. A two and a half story, mixed use building is located directly west of the structure and a one-story bank and its surface parking lot are located to the north. Properties to the east consist of single-family residences. The site of the former Mad Hatter restaurant is located to the south of the subject property, across East Surf Street.

The applicant is seeking use variance approval to construct a three-story single-family dwelling on the site. The proposed structure will feature a covered parking area, garage, playroom, and bathroom on the first floor, dining room, kitchen, living room, and deck on the second floor, four (4) bedrooms on the third floor, and a roof deck. An elevator unit is also proposed to be inside of the structure, on the eastern side of the building. All habitable space will be raised above the Sea Bright Design Flood Elevation, as required by ordinance.

## **2. Consistency with the Zone Plan**

The subject property is located within the B-1 Central Business Zone District. The B-1 Zone is the central or town business zone designed to provide for local shopping and to include a wide range of retail business and service establishments which cater to the frequently recurring needs of the residents. The primary purpose of all permitted uses in this zone should be to encourage a pedestrian-friendly, mixed-use-Main-Street character for this zone. Retail and personal service with inviting storefronts would be most encouraged, with an open feel and small scale at street level. The purpose of future development and rehabilitation in this zone should be to retain the historic charm and character of Sea Bright's downtown.

Permitted uses within the B-1 Central Business Zone District include residential uses in multistory buildings, located above other permitted uses, Class II retail business uses, Class III, finance, insurance, and real estate business uses, Class IV personal service establishment businesses, Class V business service establishments, Class VI repair services businesses, Class VII professional service businesses, Class VIII transportation facilities, Class IX utilities, and Class X government services. In no case shall Class I residential uses, including single-family residences be permitted in this zone district. **The applicant will require d(1) use variance relief to allow for the proposed single family dwelling, which is a specifically prohibited use in the zone district.**

## **3. Bulk Requirements**

The bulk requirements of the B-1 Central Business Zone District as they relate to the subject application are as follows:

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Minimum Lot Area</b>	3,000 sq. ft.	<b>1,795 sq. ft.**</b>	<b>1,795 sq. ft.*</b>
<b>Min. Lot Width</b>	50 ft.	<b>23.95 ft.**</b>	<b>23.95 ft. *</b>
<b>Minimum Lot Depth</b>	60 ft.	75 ft.	75 ft
<b>Min. Front Yard Setback</b>	0 ft - west 25 ft - east	4.6 ft	<b>1 ft*</b>

<b>Min. Side Yard Setback</b>	0 ft.	2.4 ft - east 2.9 ft - west	3.1 ft – east 2.1 ft – west
<b>Min. Rear Yard Setback</b>	15 ft.	1.1 ft.**	1.1 ft*
<b>Maximum Lot Coverage</b>	75%	100%	<b>89.2%*</b>
<b>Maximum Building Coverage</b>	50%	67.5%	<b>74.3%*</b>
<b>Max. Building Height</b>	3 stories/ 42 ft.	2 stories/ 23 ft	3 stories/ 38 ft

\*variance required \*\*existing non-conformity

- A. As per §130-39C, the minimum required lot area in the B-1 Zone District is 3,000 sq. ft., whereas 1,795 sq. ft. is existing and proposed. **This is an existing non-conformity, which requires a technical variance due to the new proposed development.**
- B. As per §130-39C, the minimum required lot width in the B-1 Zone District is 50 ft., whereas 23.95 ft. is existing and proposed. **This is an existing non-conformity, which requires a technical variance due to the new proposed development.**
- C. As per §130-39C, the minimum required front yard setback in the B-1 Zone is 25 ft., whereas 4.6 ft. is existing and 1 ft is proposed. **A variance is required.**
- D. As per §130-39C, the minimum required rear yard setback in the B-1 Zone is 15 ft., whereas 1.1 ft. is existing and 1.1 ft is proposed. **A variance is required.**
- E. As per §130-39C, the maximum permitted lot coverage in the B-1 Zone District is 75%, whereas 100% is existing and 89.2% is proposed. **A variance is needed.**
- F. As per §130-39C, the maximum permitted building coverage in the B-1 Zone District is 50%, whereas 67.5% is existing and 74.3% is proposed. **A variance is needed.**

#### 4. **Required Proofs for Variance Relief**

##### ***A. D(1) Use Variance***

**This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(1). Testimony is required to demonstrate that the application satisfies the positive and negative criteria of the Municipal Land Use Law for the granting of the use variance relief. To obtain a d(1) use variance, the Applicant must show that the proposal meets four separate criteria:**

##### 1) Positive Criteria

- (a) *That the site is particularly suited to the use.* The Applicant must prove that the site is particularly suited for the proposed use. This requirement sets a high bar, requiring findings that the general welfare is served because the use is particularly fitted to the proposed location of the use. It requires the Applicant to show why the location of the site within the Township is particularly suited for the proposed use despite the underlying zoning, or

the unique characteristics of the site that make it particularly appropriate for the proposed use rather than a permitted use.

- (b) *Special Reasons*. The Applicant must prove that special reasons exist for granting the use variance by demonstrating either that there is an unreasonable hardship in not granting the variance, or that the proposed project furthers one or more of the purposes of the Municipal Land Use Law.

2) Negative Criteria

- (a) *The variance will not substantially impair the intent and purpose of the zoning plan and ordinance*. The Applicant must prove that the proposal does not substantially impair the intent of the zoning ordinance or master plan. This criterion comes out of the basic principal that municipalities should make zoning decisions by ordinance rather than by variance, and that the grant of a variance should not represent a complete departure from the enacted policy of the governing body.
- (b) *The variance can be granted without a substantial detriment to the public good*. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

**B. 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.

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 confirm compliance with the Borough's Flood Damage Prevention Ordinance.

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:mej

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