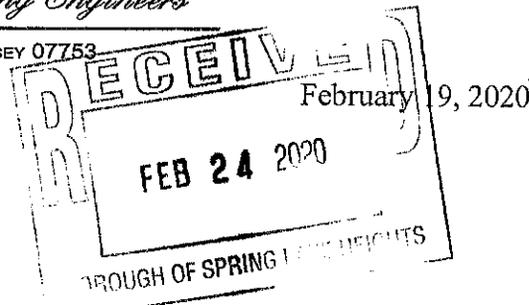


LEON S. AVAKIAN, INC. *Consulting Engineers*

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Chairman Dennis Pearsall
Borough of Spring Lake Heights
555 Brighton Avenue
Spring Lake Heights, NJ 07762



**Re: Residential Bulk Variance Application
Block 20, Lot 17
601 Ocean Road (2nd Review)
Spring Lake Heights, NJ
Our File SLHBA 19-10**

Dear Chairman Pearsall:

We are in receipt of a development application for the above referenced property. The Applicant applied to construct a new house with a front and back porch and a new driveway on an undersized lot. The improvements require variances for the front yard setbacks and no screening of mechanical equipment in a side yard. Block 20, Lot 17, 601 Ocean Road is on the southwest corner of Ocean Road and Sixth Avenue. The original house on this lot was recently demolished.

Please note that Borough Ordinance 22-517.6 for Nonconforming Lot states that a building permit may be issued without an appeal for variance:

Any nonconforming lot not meeting the definition of the previous subsection may have a building permit issued for a permitted use without an appeal for a variance, provided the building coverage is not exceeded, parking requirements are met and the nonconforming lot abuts lots on either side that are developed and the nonconforming lot is the largest possible assemblage of contiguous land under the preceding section. Where the nonconforming lots abuts either a vacant lot or an oversized developed lot, the issuance of a building permit may be delayed until the approving authority determines the reasonableness of requiring the applicant to acquire additional land to reduce or eliminate the nonconformity. Where the resulting lot is still nonconforming, the yard and height provisions may be reduced to the same percentage the area of the undersized lot bears to the zone district requirements, except that no side yard shall be less than half that required by this chapter or five (5') feet, whichever is greater, and no building shall be required to have a height less than twelve (12') feet. (Ord. #6-1989, §517.6)

All application and escrow fees have been paid in full with the original application, therefore, this application is deemed complete for review by the Zoning Board of Adjustment.

This office has reviewed the Development Application, Addendum No. 1 with exhibit and the following documents:

1. Plan of Survey by Robert M. Horvath dated 2/25/19
2. Plot Plan 601 Ocean Road, Block 20, Lot 17 by KBA Engineering Services, LLC sheet 1 of 1 dated 12/9/19 w/latest revisions dates 1/14/20.

3. PFS Corporation plans, Simplex Homes dated 11/20/19
4. Sustainable checklist forms
5. Request for Taxpayer Identification Number and certification W-9 form

The Required, Existing and Proposed schedule of permitted uses, yard area and bulk requirements for this lot are as follows:

R-5 ZONE

Use		Required or Allowed	Existing (Before Demo)	Proposed	Ordinance 22-517.6
		Single Family	Single Family	Single Family	Single Family
Minimum Lot Area		7,500 sf	5,400 sf (NC)	5,400 sf (NC)	72%
Minimum Lot Frontage		50'	60'	60'	----
Minimum Lot Width		50'	60'	60'	----
Minimum Lot Depth		150'	90' (NC)	90' (NC)	----
Principal Building Setbacks	Front Yard (Ocean Road)	30'	28.4' (NC)	28.4' (V)	21.6'
	Front Porch Landing (Ocean Road)	22'	20.8' (NC)	25'	15.8'
	Front Yard (6 th Avenue)	30'	13.1' (NC)	23.84' (V)	21.6'
	Back Yard (South)	10'	28.3'	13'	7.2'
	Side Yard (West)	10'	7.1' (NC)	10.16'	7.2'
Accessory Building Setback	Front Yard	30'	(NA)	(NA)	----
	Back Yard	5'	(NA)	(NA)	----
	Side Yard	5'	(NA)	(NA)	----
	Side Yard	5'	(NA)	(NA)	----
Maximum Height	Principal	32'	(NG)	30.9'	23'
	Accessory	15'	(NG)	(NG)	----
Maximum Building Coverage		25%	30.27% (NC)	24.07%	----
Maximum Lot Coverage		50%	53.16% (NC)	33.55%	----
Minimum Parking Space		2	2	2	----
Driveway Setback		2'	2'	4'	----
Drywells (Water Infiltration System)		Required	NO (NC)	YES	----
Mechanical Equipment in Side Yard		Screened	NO (NC)	NO (V)	----

(V) = Required Variance

(NC) = Pre-existing Non-conformity

(NA) = Not Applicable

(NG) = Not Given

The lot before demolition had many nonconformities listed below:

1. An undersized lot of 5,400 sf and 90' depth where 7,500 sf and 150' are required.
2. A front yard setback off Ocean Road of 28.4 feet where 30 feet is required
3. A front yard setback for a porch or landing off Ocean Road of 20.8 feet where 22 feet is required
4. A front yard setback off of 6th Avenue of 13.1' where 30' is required
5. A side yard setback to the east of 7.1' where 10 feet is required
6. A maximum building coverage of 30.27% where 25% is allowed

7. A maximum lot coverage of 53.6% where 50% is allowed.
8. No drywells on property and drywells or water infiltration systems are now required (22-609.9).
9. The mechanical equipment in the side yard was not screened.

The Applicant's proposal appears to require the following variances:

1. A front yard setback off Ocean Avenue of 28.59' where 30 feet is allowed.
2. A front yard setback off 6th Avenue of 23.84' where 30 feet is allowed.
3. No screening of the A.C. pad

Please be advised that Ordinance 22-517.6 states that a building permit for an undersized lot could allow yard and height provisions to be reduced by 72%:

1. A front yard setback off of Ocean Road at 72% in the R-5 Zone would be 21.6'.
2. A front porch landing off of Ocean Road at 72% in the R-5 Zone would be 15.8'
3. A maximum building height at 72% in the R-5 Zone would be 23.04'.

Variance Testimony

As per the Borough Ordinance 22-200.2 variance can be granted:

- A. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of extraordinary and exceptional situation uniquely affecting specific piece of property of structures lawfully existing thereon, the strict application of any regulation in the zoning provisions of this chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property a variance from such strict regulation so as to relieve such difficulties or hardship.
- B. Where in an application or appeal relating to a specific piece of property, the purposes of the Municipal Land Use Law (N.J.A.A. 40: 55D-1 et seq.) would be advanced by a deviation from the zoning regulations (Article VI of this chapter) and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to the zoning regulations; provided, however, that no variance from those departures enumerated in paragraph b, 4 below shall be granted under this paragraph; and provide further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant subsection 220201.2a of this chapter and N.J.S.A. 40:55D060A. 40:55D060A of the Municipal Land Use Law.

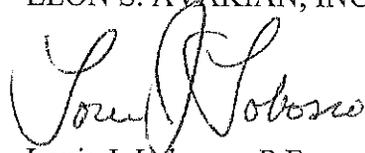
The following should be addressed in the testimony of the public hearing:

1. The Applicant should provide an aerial photograph that clearly shows the property, the nearby area and the front setbacks of neighbors along Ocean Road and 6th Avenue.
2. The Applicant should discuss the lot before demolition and the many non-conformities.
3. The Applicant should discuss and describe the proposed house, setbacks, porches, driveway and building height.
4. The Applicant should discuss all the proposed variances and why they believe they should be granted.
 - Front yard setback off Ocean Avenue
 - Front yard setback off of 6th Avenue
 - Mechanical equipment located in the side yard shall be screened on 3 sides Ordinance 22-577.6
5. The Applicant should discuss the impact this construction will have on the neighborhood.
6. The Applicant should address the similarities or discrepancies of the proposed construction with the character of the neighborhood.
7. Payment of all taxes on this lot should be confirmed.
8. If the Applicant wishes to represent themselves at the meeting, attendance at the prior meeting is recommended.

If you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Louis J. Lobosco, P.E.
Board of Adjustment Engineer

LJL: mcs

cc: Mary Ellen Karamus, Board of Adjustment Secretary
Mayor Thomas O'Brien
✓ All Zoning Board Members
Barbara VanWagner Zoning/Code Enforcement Official
Mark Kitrick, Esq.
A.C. Construction Mgt., LLC
Michael R. Rubino

SLH/BA/19/19-10a