

TOWNSHIP OF BERKELEY
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
JANUARY 12, 2011
7:00 PM PUBLIC HEARING

- A. SALUTE TO THE FLAG
- B. ROLL CALL, DECLARATION OF QUORUM
- C. SUNSHINE ACT STATEMENT: This meeting was advertised in the Asbury Park Press, and posted on the Township's bulletin board as required by the "Open Public Meeting Act".
- D. Please be advised that there is to be **NO SMOKING** in this building in accordance with New Jersey Legislation.
- E. OLD/NEW BUSINESS:
- F. AGENDA:

1. **STANKOWITZ** **BOA#10-5326**
(Received Request to Carry to 2/9/11 Mtg)

Variance(s) requested: Bulk Variance
Project: Porch Addition
Block(s): 1690.01 Lot(s): 3
Address: 209 Midway Ave. Zone: R31.5
Denial Reads: The Applicant proposes to construct a 300 s.f. covered front porch leaving a 10 ft. front yard setback where 20 ft. is required.

2. **SONTAG** **BOA#10-5338**

Variance(s) requested: Bulk Variance
Project: Demolish & Rebuild Single-Family Dwelling on an Undersized Lot
Block(s): 1541 Lot(s): 93
Address: North Bay Drive Zone: R-64
Denial Reads: The Applicant proposes to demolish a single family dwelling and construct a 1,588 s.f. single-family dwelling on a 4,975 s.f. lot where 6,400 s.f. is required, and a side yard setback of 5.25 feet where 7 feet is required and a combined side yard setback of 14.56 feet where 18 feet is required. Applicant will also be construct a 458 s.f. grade-level deck that is permitted per revised Ordinance 35-89.9 and relocating 2 sheds of 64 s.f. and 80 s.f. Lot coverage percentage of all structures will be 32.2% where 30 % maximum is permitted.

3. **JANES**

BOA#10-5337

Variance(s) requested: Bulk Variance

Project: Patio Enclosure and Deck

Block(s): 881 Lot(s): 1

Address: 86 Midland Ave. Zone: R-200

Denial Reads: The Applicant proposes to construct a 12 ft. x 14 ft. three-season attached sunroom with a 28 foot rear yard setback where 30 feet is required in the R-200 Zone.

G. RESOLUTIONS TO BE ADOPTED.

H. APPROVAL OF MEETING MINUTES.

I. ADJOURNMENT: Next meeting of the Board of Adjustment will be on February 9, 2011 at 7:00 PM

JOHN H. ALLGAIR, 1983-01
 DAVID J. SAMUEL, P.E., P.P.
 JOHN J. STEFANI, P.E., L.S., P.P.
 JAY B. CORNELL, P.E., P.P.
 MICHAEL J. McCLELLAND, P.E., P.P.
 GREGORY R. VALES, P.E., P.P.



TIMOTHY W. GILLEN, P.E., P.P.
 BRUCE M. KOCH, P.E., P.P.
 ERNEST J. PETERS, JR., P.E., P.P.
 LOUIS J. PLOSKONKA, P.E.
 TREVOR J. TAYLOR, P.E.
 BEHRAM TURAN, P.E.

MEMO TO: Berkeley Township Zoning Board of Adjustment

FROM: Robert J. Russo, P.E., P.P., C.M.E.
 Office of the Zoning Board of Adjustment Engineer and Planner

DATE: November 23, 2010

RE: **Sontag Variances – Review #1**
Application: Demolish and Rebuild Single Family Dwelling
Block: 1541, Lot 93
Fronting on: 208 North Bay Drive
Zoning District: R-64
Plans: Plot Plan – Prepared by East Coast Engineering, Inc.; dated October 28, 2010
BOA#: 10-5338
Our File No.: PBAZ1541.04/600.01

In accordance with your request, our office has reviewed the following variance application submitted for the above referenced property. The following comments are offered with regard to the same:

A. PROJECT OVERVIEW

1. The denial states the “applicant to demo a SFD and construct a 1588 SF SFD on a 4975 SF lot where 6400 SF is required, and a side yard setback of 5.25’ where 7’ is required and a combined sideyard setback of 14.56’ where 18’ is required. Applicant will also be constructing a 458 SF grade level deck, that is allowed per revised Ord 35-89.9 and relocating 2 sheds of 64 and 80 SF. Lot coverage percentage of all structures will be 32.2% where 30% is max allowed”. The lot in question is located on western side of North Bay Drive, within the R-64 zone. The applicant is proposing to demolish an existing dwelling and construct a single family dwelling and associated site improvements on the lot.

2. R-64 Zone Requirements and Variances Requested (as per Schedule I, Section 35-95)

<u>Primary Use</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance Requested</u>
Min. Lot Area	6400 sf	4975 sf	4975 sf	<input checked="" type="checkbox"/>
Min. Lot Frontage	80 ft	40 ft	40 ft	<input checked="" type="checkbox"/>
Front Yard Setback	25 ft	23.8 ft	25.05 ft	<input type="checkbox"/>
Rear Yard Setback	20 ft	49.7 ft	13.53 ft	<input checked="" type="checkbox"/>
Side Yard Setback	7 ft	5.5 ft	5.25ft	<input checked="" type="checkbox"/>
Combined Side Yard	18 ft	16.8 ft	14.56 ft	<input checked="" type="checkbox"/>
Max. Lot Coverage by Building	30%	19.8%	32.2%	<input checked="" type="checkbox"/>
Max. Building Height	35 ft	< 35 ft	< 35 ft	<input type="checkbox"/>
Min. Floor Area	864 sf	987 sf	1588 sf	<input type="checkbox"/>

B. GENERAL REVIEW COMMENTS

1. The applicant should provide a description of the proposed dwelling and improvements. The applicant should provide testimony to the Board regarding the need to construct the structures within the rear yard and side yard setbacks in addition to the need to exceed the maximum lot coverage requirement.
2. The applicant is proposing to raise the proposed grade on the lot and it appears they are proposing to install retaining walls along the side property lines. We recommend that the grading





Memo to Berkeley Township Zoning Board
Our File: PBAZ1541.04
November 23, 2010
Page 2 of 2

plan be amended to better follow the existing drainage patterns and to prevent adverse impacts to the adjoining properties. The applicant should provide top and bottom of wall elevations for the retaining walls and a detail for same.

3. Pursuant to the MLUL Section 40:55D-70, the Board of Adjustment may grant a bulk variance request if :
 - c.(1) where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.
 - c.(2) where in an application or appeal relating to a specific piece of property the purposes of this act...would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment...

It has to be determined whether the property in question meets any or all of the reasons established in the MLUL to permit the granting of the variance and whether the enforcement of the Berkeley Township General Ordinances will cause undue hardship to the property owner.

C. MISCELLANEOUS

1. Should the Zoning Board of Adjustment grant the relief requested by the applicant, approval of this application should be conditioned upon the following:
 - a. The Applicant resubmitting a plan which includes those items covered above and discussed at the Board meeting, if required.
 - b. The Applicant certifying to the following:
 - i. The proposed grading if any, will not impact adjacent property and that the plan as submitted is a true and accurate representation of the existing and proposed improvements on the site.
 - ii. Payment all outstanding professional review fees of the Board and the Township.
 - c. The Applicant providing the following to the Building Department at time of application for a building permit:
 - i. A grading permit in accordance with Section 11-1.5.
 - ii. Architectural plans of the proposed dwelling, to show compliance with building codes.
 - iii. Proof of approval and/or waivers, if required, from all agencies having jurisdiction including the NJDEP, Ocean County Soil Conservation, Ocean County Planning Board, Berkeley Twp Sewerage Authority and Water Company.

The right is reserved to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.

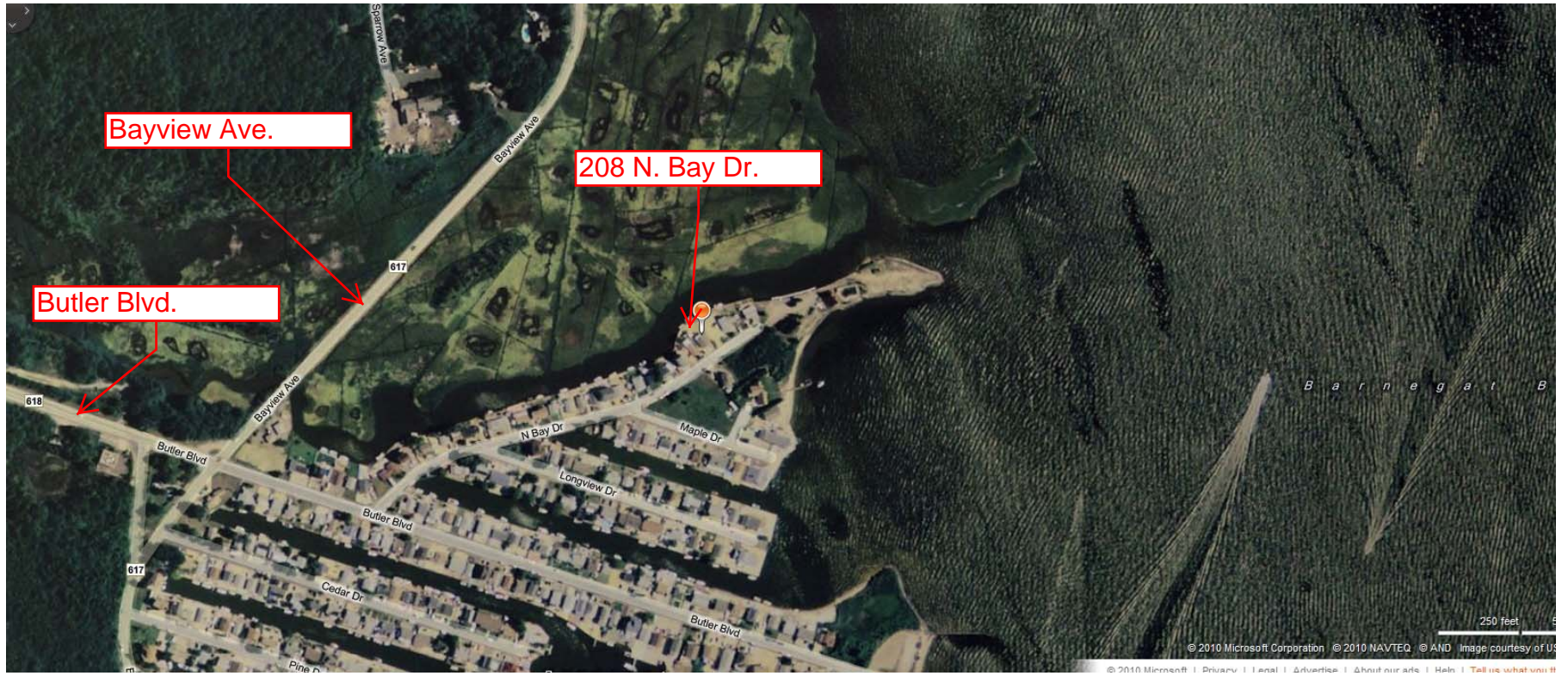
Should you have any questions regarding this matter, please do not hesitate to contact this office.

RJR/rr

cc: Edward Liston, Esq. - Board Attorney
Dawn Sontag - Applicant
Jason M. Marciano, P.E. - Applicant's Engineer







Bayview Ave.

208 N. Bay Dr.

Butler Blvd.

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MEMO TO: Berkeley Township Zoning Board of Adjustment

FROM: ^{RA} Robert J. Russo, P.E., P.P., C.M.E., CME Associates
 Office of the Zoning Board of Adjustment Engineer and Planner

DATE: November 24, 2010

RE: **Janes – Review #1**
Application: Patio Enclosure and Deck
Block: 881, Lot 1
Fronting on: 86 Midland Avenue
Zoning District: R-200
Plans: Survey of Property, prepared by Hewitt & Magee Associates, dated 07.21.2003
Architectural Drawings, prepared by Robert Walz, P.E., dated 07.12.2010
BOA#: 10-5337
Our File No.: PBAZ0881.01/600.02

In accordance with your request, our office has reviewed the following variance application submitted for the above referenced property. The following comments are offered with regard to the same:

A. PROJECT OVERVIEW

1. The denial states the “applicant to construct a 12’ x 14’ three season attached sunroom with a 28’ rear yard setback where 30’ is required in the R-200 zone”. The site is located at the northeastern corner of the intersection of Midland Avenue and Merion Avenue in the R-200 zone.

R-200 Zone Requirements and Variances Requested (as per Schedule I, Section 35-95)

<u>Primary Use</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance Requested</u>
Min. Lot Area	20,000 sf	9,000 sf +/-	9,000 sf +/-	Pre-existing Non-conforming
Min. Lot Frontage	125 ft	90 ft	90 ft	Pre-existing Non-conforming
Front Yard Setback	40 ft	24.5 ft	24.5 ft	Pre-existing Non-conforming
Rear Yard Setback	30 ft	29 ft +/-	28 ft +/-	<input checked="" type="checkbox"/>
Side Yard Setback	15 ft	5.2 ft	5.2 ft	Pre-existing Non-conforming
Combined Side Yard	35 ft	N/A	N/A	<input type="checkbox"/>
Max. Lot Coverage by Building	20%	15.9%	17.8%	<input type="checkbox"/>
Max. Building Height	35 ft	< 35 ft	< 35 ft	<input type="checkbox"/>





Memo To: Berkeley Zoning Board of Adjustment
PBAZ0881.01
November 24, 2010
Page 2

B. GENERAL REVIEW COMMENTS

1. The applicant should provide a description of the proposed three season room and deck and discuss the need to construct the improvements within the rear yard setback.
2. Pursuant to the MLUL Section 40:55D-70, the Board of Adjustment may grant a bulk variance request if:
 - c.(1) where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.
 - c.(2) where in an application or appeal relating to a specific piece of property the purposes of this act...would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment

It has to be determined whether the property in question meets any or all of the reasons established in the MLUL to permit the granting of the variance and whether the enforcement of the Berkeley Township General Ordinances will cause undue hardship to the property owner.

C. MISCELLANEOUS

1. Should the Zoning Board of Adjustment grant the relief requested by the applicant, approval of this application should be conditioned upon the following:
 - a. The Applicant certifying to the following:
 - i. The proposed structure should not encroach into existing easements (i.e. shade tree, utility, drainage, etc) without proper consent from the Township.
 - ii. The proposed grading if any, will not impact adjacent property and that the plan as submitted is a true and accurate representation of the existing and proposed improvements on the site.
 - iii. Payment all outstanding professional review fees of the Board and the Township.
 - b. The Applicant providing the following to the Building Department at time of application for a building permit:
 - i. The applicant submitting for a grading permit in accordance with Section 11-1.5.
 - ii. The applicant submitting architectural plans of the proposed structure, to show compliance with building codes.

The right is reserved to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.

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

RJR/blr

cc: Board Attorney
Kathleen Janes – Applicant





Pennsylvania Ave

Midland Ave

86 Midland Ave

Merion Ave

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