

TO: Borough of Fair Haven Zoning Board of Adjustment

FROM: Elena Gable, PP, AICP, CFM
Leigh Fleming, PP, AICP

RE: Shawn Gaiero
8 Hendrickson Place
Block 46 Lot 12
D(4) FAR Variance v3

DATE: January 4, 2020

As requested, we have reviewed the following application materials:

- Zoning Board Application (ZB 20-05) and checklist received on June 17, 2020;
- Zoning Officer's Denial Letter, dated May 4, 2020;
- 4-sheet set of photos of subject property: 8 Hendrickson Place;
- 13-page set of photos of neighboring properties;
- 1-sheet set entitled "Plan of Survey, Borough of Fair Haven, Monmouth County, New Jersey, Block 46, Lot 12," prepared by Seneca Survey Co., Inc., dated July 11, 2016; and
- 2-sheet set of Architectural Drawings entitled "Alterations & Additions to: The Gaiero Residence, 8 Hendrickson Place, Fair Haven, New Jersey, Block 46, Lot 12," prepared by Grammer Designs, LLC, dated March 6, 2020, revised December 17, 2020.

Revised Project Summary

The applicant has submitted revised architectural drawings incorporating comments from the Zoning Board that were discussed at the December 3, 2020 meeting. All comments in our previous memoranda remain valid unless otherwise noted. A summary of these changes are as follows:

- The applicant has reconfigured the proposed second story addition. The reconfiguration decreased the rear portion of the second story addition which contains the master bedroom from approximately 390 square feet to 255 square feet.
- The applicant has reduced the ground floor addition by approximately 41.6 square feet in order to relocate the proposed deck from the eastern elevation to the rear of the dwelling. The stairs from the rear deck are located on the east side of the dwelling.
- Proposed building coverage has been reduced from 22.4% to 21.1%. Lot coverage has been reduced from 36.7% to 35.4%
- Habitable floor area has been reduced from 2,810 square feet to 2,615 square feet. The habitable floor area ratio (HFAR) has been reduced from 0.38 to 0.35.

- Architectural elevations have been revised to depict vertical siding on the second story of the front façade and horizontal siding in the gable.

Zoning

The property is located in the R-10 zone where single-family dwellings are a permitted use.

Bulk Standards for the R-10 Zone				
	Required	Existing	Proposed	Variance
Lot Requirements				
Minimum Lot Area	10,000 sq. ft.	7,405.2 sq. ft.	7,405.2 sq. ft.	ENC
Minimum Lot Width	75 feet	50 feet	50 feet	ENC
Minimum Lot Frontage	75 feet	50 feet	50 feet	ENC
Minimum Lot Depth	100 feet	147.46 feet	147.46 feet	-
Principal Structure				
	Required	Existing	Proposed	Variance
Minimum Front Yard Setback	30 feet	21.5 feet to front of dwelling	21.5 feet to front of dwelling	ENC/ Variance
Minimum Side Yard Setback- One	10 feet	5 feet	5 feet	ENC/ Variance
Minimum Side Yard Setback- Both	24 feet	16.16 feet	16.16 feet	ENC/ Variance
Minimum Rear Setback	30 feet	88.29 feet	73.31 feet	-
Maximum Building Height	32 feet	21.5 feet	31.5 feet	-
Maximum Stories	2.5	1.5	2.5	-
Maximum Building Coverage	35%	16.5%	21.1%	-
Maximum Habitable Floor Area Ratio	0.28	0.22	0.353	Variance
Maximum Habitable Floor Area Sq. Ft.	3,220 sq. ft.	1,662 sq. ft.	2,615 sq. ft.	-
Maximum Lot Coverage	45%	32.4%	35.4%	-
Accessory Structure				
Minimum Rear Yard Setback	10 feet	6.67 feet	6.67 feet	ENC
Minimum Side Yard Setback	8 feet	5.5 feet	5.5 feet	ENC

VariANCES

A review of the application indicates that the property has the following existing nonconforming conditions:

- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Lot Area- The minimum required lot area is 10,000 square feet where 7,405.2 square feet is existing. This existing nonconforming condition is proposed to remain unchanged.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Lot Frontage & Width- The minimum required lot frontage & width is 75 feet, where 50 feet is existing. This existing nonconforming condition is proposed to remain unchanged.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Front Yard Setback – The minimum required front yard setback in the R-10 Zone is 30 feet, where 21.5 feet is existing. This existing nonconforming condition is proposed to remain unchanged exacerbating a preexisting nonconforming condition.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Accessory Structure Side Yard Setback- Where the minimum required side yard setback for accessory structures is 8 feet, where 5.5 feet is existing and not proposed to change.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Accessory Structure Rear Yard Setback- The minimum required rear yard setback for accessory structures is 10 feet, where 6.67 feet is existing and not proposed to change.

The application requires the following variances:

- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Maximum Habitable Floor Area Ratio- Where the maximum habitable floor area ratio is 0.28, where 0.22 is existing and 0.35 is proposed.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum One Side Yard Setback- The minimum required side yard setback in the R-10 Zone is 10 feet, where 5 feet is existing. This existing nonconforming condition will be exacerbated based upon the proposed improvements.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Both Side Yard Setback- The minimum required combined side yard setback in the R-10 Zone is 25

feet, where 16.16 feet is existing. This existing nonconforming condition will be exacerbated based upon the proposed improvements.

Planning Comments

1. The applicant shall provide testimony addressing all changes which have been made to the architectural plans.
2. The application continues to require a d(4) variance for exceeding the maximum habitable floor area ratio. It should be noted that the proposed improvements do not warrant a variance for the maximum habitable floor area square feet.
 - a. In order to eliminate the d(4) HFAR variance, the applicant would need to reduce the habitable floor area to 2,073 square feet, where 2,615 square feet is proposed. The applicant has reduced the proposed habitable floor area by 195 square feet.
3. The Plot Plan shows the 21.5-foot front yard setback from the property line to the existing structure's covered porch. However, the steps leading to the building appear to encroach within the front yard. The applicant shall provide testimony pertaining to the setback of the steps and building façade within the front yard.
 - a. The applicant shall further provide testimony pertaining to §30-7.8h Accessory Building and Structures, which states, "A porch, deck, patio, or similar structure designed to adjoin or as part of the principal building shall in all cases conform to the yard requirements for the principal building except where the structure has no roof and is constructed not more than six (6) inches above grade, it shall adhere to the yard requirements for an accessory structure. A porch, without a roof or structure above it, of less than one hundred (100) square feet in total size, inclusive of steps, is permitted in the front yard without regard to setback standards, provided that the porch contains a NJ UCC compliant stairway having not more than two risers, with an intermediate tread not exceeding 12 inches in depth."

Aerial Map of Property



Photographs of Property taken 7/22/2020



Photograph from Hendrickson Place



Photograph from Hendrickson Place



Neighboring property 12 Hendrickson Place



Neighboring property 6 Hendrickson Place



Property across street 5 Hendrickson Place