

**TO:** Borough of Fair Haven Zoning Board of Adjustment

**FROM:** Elena Gable, PP, AICP, CFM  
Lauren Purdom, AICP

**RE:** Andrew Anderson  
81 Riverlawn Drive  
Block 26 Lot 7  
*Completeness & Planning Review v2*

**DATE:** October 5, 2020

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As requested, we have reviewed the following materials in preparation of our report for this application:

- 7-sheet set of engineering drawings entitled "Anderson Residence" prepared by Anderson Campanella, dated May 14, 2020, last revised August 14, 2020
- 2-sheet set of site plan drawings entitled "Anderson Residence" prepared by Steven R. Krog Landscape Architect, P.C., dated May 14, 2020, last revised August 14, 2020
- Zoning Officer Denial Letter dated June 15, 2020
- Zoning Board of Adjustment Application dated June 22, 2020

### **Completeness Review**

The application has been checked for compliance with the Borough of Fair Haven Land Development Application checklist. The applicant has completed all required submissions. The application is deemed **complete**.

- Item #9- Completed Monmouth County Planning Board application- The applicant has indicated that this item is not applicable. We take no exception to the granting of this waiver for completeness purposes only as the property does not front on a county road.
- Item #10- Completed Freehold Soil Conservation District application- The applicant has indicated that this item is not applicable. We take no exception to the granting of this waiver for completeness purposes only.
- Item #11- Completed Monmouth County Health Department Application- The applicant has indicated that this requirement is not applicable. We take no exception to the granting of this waiver for completeness only as the Monmouth County Health Department application only relates to public recreational bathing places, body art establishments, food establishments, pet shops, septic system construction and alterations, tobacco retail

establishments, food and beverage vending machines and construction/alteration of private wells.

- Item #16- Copies of all easements, covenants and deed restrictions- The applicant has indicated that the application complies with this item. The applicant shall provide testimony pertaining to any and all easements, covenants and deed restrictions at the Zoning Board hearing.

### **Application Guidelines**

In addition to the above Items from the Application Checklist, the applicant has not submitted the following required items from the Application Guidelines:

- Location and type of proposed attic access- It appears the applicant shows the attic access on the second floor; however, it is not labeled. The applicant shall provide testimony to confirm the location of the attic access.

The applicant has not submitted information per the Zoning Officer's letter dated June 15, 2020. In the letter, the Zoning Officer requests the Applicant provide the following:

- Provide any details of the proposed work (if any) to the detached garage.

The applicant shall address this item at the Zoning Board hearing.

### **Property and Project Description**

The subject property is located at Lot 7 of Block 26, known as 81 Riverlawn Drive. The property sits on the Navesink River, between the Municipal Boat Ramp and the Fair Haven Yachtworks Marina. The property is approximately 27,680 square feet in area and is currently developed with a 2-story single-family dwelling, swimming pool and patios, two (2) garages and associated driveway. Surrounding the property are other single-family homes of similar size.

The applicant is proposing to construct an addition to the existing dwelling. The proposed improvements include bracketed pergolas affixed to the front and rear of the building, a new covered entry and stairs on the easterly side, a new patio on the northwest corner and a covered porch on the southerly corner. The interior improvements include replacing the existing room on the rear of the first floor with a 365-square-foot covered stone porch, constructing a new entrance on the easterly side of the dwelling, addition of a stone porch on the southwest corner of the dwelling, and a new 336-square-foot gym over the existing attached garage. Overall, the improvements constitute an addition of 197 square feet to the principal dwelling. The applicant is in need of several bulk variances for the proposed improvement improvements.

**Zoning**

The subject property is located within the R-30 Zone where single-family dwellings are a permitted use.

<b>Bulk Standards for the R-30 Zone</b>				
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Minimum Lot Area	30,000 sq. ft.	27,680 SF	27,680 SF	<b>ENC</b>
Minimum Lot Width/ Frontage	125 ft.	48.56 ft.	48.56 ft.	<b>ENC</b>
Minimum Lot Depth	200 ft.	289.25 ft.	289.25 ft.	-
<b>Principal Building</b>				
Minimum Front Yard Setback	50 ft.	± 84.5 ft.	±78.6 ft.	-
Minimum Single Side Yard Setback	20 ft.	± 9.6 ft. / ± 10.7 ft.	9.5 ft. / 7.1 ft.	<b>YES / ENC</b>
Minimum Combined Side Yard Setback	40 ft.	± 20.2 ft.	± 16.6 ft.	<b>YES / ENC</b>
Minimum Rear Setback	30 ft.	± 117.7 ft.	± 117.7 ft.	-
Maximum Building Height	35 ft.	32.5 ft.	32.5 ft.	-
Maximum Stories	2.5 stories	2.5 stories	2.5 stories	-
Maximum Habitable Floor Area Sq. Ft.	5,180 sq. ft.	4,152 sq. ft.	4,124 sq. ft.	-
Maximum Habitable Floor Area Ratio	0.15	0.15	0.15	-
Maximum Building Coverage	20%	11.6%	12.7%	-
Maximum Lot Coverage	30%	28.9%	30%	-
Driveway coverage in front yard (single-family districts)	25%	53%	53%	<b>ENC</b>
<b>Accessory Building and Structures</b>				
<b>Accessory Structure - Shed</b>				
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Minimum Side Yard Setback to Property Line - Shed	10 ft.	± 4.5 ft.	± 4.5 ft.	<b>ENC</b>
Minimum Rear Yard Setback to Property Line - Shed	10 ft.	± 29.5 ft.	± 29.5 ft.	-
Maximum Height - Shed	15 ft.	< 15 ft.	< 15 ft.	-
<b>Accessory Structure - Detached Garage</b>				
Minimum Side Yard Setback - Garage	10 ft.	± 5.5 ft.	± 5.5 ft.	<b>ENC</b>

Minimum Rear Yard Setback - Garage	10 ft.	± 270 ft.	± 270 ft.	No
Maximum Height - Garage	15 ft.	< 15 ft.	< 15 ft.	No
<b>Accessory Structure - Swimming Pool</b>				
Minimum Side Yard Setback to Property Line - Pool	10 ft.	± 17 ft.	± 17 ft.	No
Minimum Rear Yard Setback to Property Line - Pool	10 ft.	± 80.8 ft.	± 80.8 ft.	No

**Variations Required**

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

- Ordinance Section 30-5.1 Table C- Minimum required lot area is 30,000 square feet where 27,680 square feet is existing and proposed.
- Ordinance Section 30-5.1 Table C- Minimum required lot width and frontage are 125 feet where 48.56 feet is existing and proposed. This existing nonconforming condition is proposed to remain unchanged.
- Ordinance Section 30-5.1 Table C- Minimum required side yard setback for accessory structures is 10 feet where the shed is setback roughly 4.5 feet and is proposed to remain unchanged.
- Ordinance Section 30-7.8g – Maximum driveway impervious front yard coverage is 25 percent where 53 percent is existing and proposed.
- Ordinance Section 7.8a2 – Detached accessory buildings are not permitted to be located within a front yard, where the existing detached garage exists within the front yard.
- Ordinance 30-7.26b – Storage for no more than three (3) vehicles are permitted in the R-30 Zone, where a total of four (4) garage doors are existing and proposed.

The application requires the following variations:

- Ordinance Section 30-5.1 Table C- Minimum required single side yard setback is 20 feet where 9.6 feet and 10.7 feet is existing and 8.2 feet and 7.1 feet is proposed, exacerbating an existing condition and requiring variance relief.
- Ordinance Section 30-5.1 Table C- Minimum required combined side yard setback is 40 feet where 20.2 feet is existing, and 16.6 feet is proposed, exacerbating an existing condition and requiring variance relief.

## Planning Comments

1. The applicant shall provide testimony addressing the positive and negative criteria for each variance being sought. It is the Applicant's responsibility to bear the burden of proof. In order to satisfy the positive and negative criteria for each 'c' variance enumerated above, the applicant should provide testimony that satisfies either the c(1) hardship criterion or c(2) flexible criterion as set forth in the MLUL.

a. Positive criteria: There are two types of c variances- c(1) hardship and c(2) flexible variances.

The c(1) hardship criteria states that a "hardship" will occur if the variance is not granted. The hardship relates to the physical or topographical features of the property and cannot relate to financial or personal hardship. Hardship relating to property can include:

- i. Narrowness, shallowness, or irregular shape
- ii. An exceptional topographic condition
- iii. Other unique conditions or features affecting the property

The c(2) flexible variance states that by granting the variance, the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and that the variance can be granted without substantial detriment to the public good.

b. Negative criteria: The applicant must satisfy the two-prong test of the negative criteria; 1) the variance can be granted without substantial detriment to the public good; and 2) the variance can be granted without causing substantial detriment to the zone plan. The negative criteria focus on the potential impacts that the proposed use may have on the community.

The applicant's testimony regarding the negative criteria should address any potential impacts that the proposed improvements may have on the neighborhood, as well as how the development is consistent with, or in potential conflict with, both the zoning ordinance and the Master Plan of the Borough.

2. Master Plan

The Borough adopted its last Master Plan in 1991, and subsequent Reexamination Reports, with the most recent occurring in 2016. These planning documents set forth policies to guide the development in the Borough.

The 2016 Master Plan Reexamination Report included an objective of protecting and enhancing the existing character of the Borough and residential quality of the neighborhoods. Additionally, the 1997 and 2005 plans encouraged the Borough to pursue land use standards that reduce the creation of new large-scale single-family dwellings and inhibit additions to expand existing homes to a scale out of character with the surrounding neighborhood.

The applicant should provide testimony regarding the visual impact of the proposed development on neighboring properties, the existing setbacks and the building area of the surrounding neighboring dwellings as a means to address the negative criteria listed above.

3. It should be noted that the applicant received building permits to begin interior work on the dwelling and is seeking variance relief for the one and both side yard setbacks.
4. It appears that the detached garage can accommodate four (4) vehicles and the attached garage can accommodate two (2) vehicles. The applicant shall provide testimony pertaining to the existing attached and detached garages. In particular, the applicant's testimony shall address the existing conditions of the garages, including the number of vehicles that can be accommodated, as well as the location of the detached garage in relation to the property lines. Does the applicant propose any changes to the existing conditions?
  - a. We note that the applicant has revised the bulk requirements table to indicate that the attached garage can accommodate two (2) vehicles and the detached garage can accommodate two (2) vehicles.
5. We recommend the applicant provide revised drawings with a label for the attic access on the second floor. The applicant shall confirm the location.
6. The existing floor plans show a covered access on the east side of the building adjacent to the attached garage. However, the application states that this is a new access. The

applicant shall provide testimony regarding this condition and revise the drawings if needed.

7. We recommend the applicant provide colorized renderings at the Zoning Board hearing and to provide testimony addressing the materials proposed for the dwelling's exterior.
8. The applicant shall provide testimony regarding any proposed landscaping improvements, as well as the removal of mature trees and whether tree removal permits are required.
9. While many of the accessory structures are existing, the applicant shall provide testimony regarding §30-7.8f, which requires that the ground floor area of all accessory buildings in the R-30 zone not exceed 30% of ground floor of the principal building.
10. We defer to the Board Engineer regarding comments associated with grading, utilities, and stormwater management.



**Aerial Map of Property**



81 Riverlawn Dr  
Block 26 Lot 7

HEYER GRUEL & ASSOCIATES



**Photographs of Property taken 7/22/2020**







Photographs of subject property from Riverlawn Drive