

TO: Borough of Fair Haven Zoning Board of Adjustment
FROM: Elena Gable, PP, AICP, CFM
Leigh Fleming, PP, AICP
RE: Bunge
7 Hillside Place
Block 66, Lot 9
Completeness & Bulk Variance Approval
DATE: December 30, 2020

As requested, we have reviewed the following application materials:

- Zoning Board Application (ZB 20-15) and checklist received on November 18, 2020;
- Zoning Officer's Denial Letter, dated September 1, 2020;
- Zoning Permit Application #20-238A, received August 28, 2020;
- 1-Sheet Survey, prepared by Charles Surmonte, P.E., P.L.S., dated April 4, 2019;
- 2-sheet set Property Photos, prepared by Parallel Architectural Group, dated November 9, 2020; and
- 6-Sheet Set Architectural Plans, prepared by Parallel Architectural Group, dated November 2, 2020.

Completeness Review

The application has been checked for compliance with the Borough of Fair Haven Land Development Application checklist. The applicant has not completed all required submissions. The application is deemed **incomplete**.

- Item #9- Completed Monmouth County Planning Board Application- The applicant has requested a waiver for this item. We take no exception to the granting of the waiver for completeness purposes only as the property does not front on a County Road.
- Item #10- Completed Freehold Soil Conservation District (FSCD) Application- The applicant has requested a waiver for this item. We take no exception to the granting of the waiver for completeness purposes only, as it appears this requirement may not applicable because this project involves a disturbance of less than 5,000 square feet of soil.
- Item #11- Completed Monmouth County Health Department Application- The applicant has requested a waiver for this item. We take no exception to the granting of the waiver for completeness purposes 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.

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:

- Complete floor plans showing existing and proposed conditions with string dimensions. The applicant shall revise the floor plans to include string dimensions for the existing and proposed conditions.
- Zoning Schedule: must include habitable floor area and floor area ratio. The applicant shall add the habitable floor area ratio to the bulk schedule.
- Location and type of proposed attic access – The applicant has not requested a waiver for this item. The applicant shall add the proposed attic access to the submitted plans or request a waiver for completeness purposes only. We recommend the applicant add the proposed attic access to the submitted plans or note that there is no attic access in the building.

Property and Project Description

The subject property is Lot 9 in Block 66, located at 7 Hillside Place. The property is a 12,366 square foot corner lot, located at the western corner of the intersection of Hillside Place and Buena Vista Avenue.

The applicant is proposing to renovate and enlarge the existing dwelling. Proposed improvements include the construction of a covered porch along the Hillside Place frontage, a first story addition in the rear of the dwelling, expansion of the second floor, and internal renovations to the dwelling. Additionally, the applicant is proposing a rear deck and patio, as well as a walkway to connect the existing driveway to the proposed patio area.

The first floor and second floor would be reconfigured as part of the proposed project. The existing first floor contains a garage, sunroom and enclosed porch, two (2) bedrooms, kitchen, office, family room, living room, powder room, kitchen, and dining room. After the project improvements, the two (2) bedrooms will be removed and replaced with a kitchen, the sunroom and enclosed porch will be replaced with a mud room and laundry room, and a covered deck and a patio will be added to the rear of the dwelling.

The existing second floor contains two (2) bedrooms and one (1) bathroom. After the proposed improvements, the second floor will contain four (4) bedrooms and two (2) bathrooms.

Zoning

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

Bulk Standards for the R-10A Zone				
	Required	Existing	Proposed	Variance
Lot Requirements				
Minimum Lot Area	11,500 Sq. Ft.	12,366 Sq. Ft.	11,500 Sq. Ft.	No
Minimum Lot Width (Hillside Place)	115'	125'	125'	No
Minimum Lot Width (Buena Vista Avenue)	115'	100'	100'	ENC
Minimum Lot Frontage* (Hillside Place)	115' (75% = 87')	100'	100'	No
Minimum Lot Frontage (Buena Vista Avenue)	115' (75% = 87')	75'	75'	ENC
Minimum Lot Depth	100'	125'	125'	No
Principal Structure				
Minimum Front Yard Setback (Hillside Place)	30'	24.5'	21'	YES
Minimum Front Yard Setback (Buena Vista Avenue)	30'	34.5'	34.5'	No
Minimum Side Yard Setback- One	10'	33'	33'	No
Minimum Side Yard Setback- Both	25'	33'	33'	No
Minimum Rear Setback	30'	18.4'	18.4'	ENC
Maximum Building Height	32'	23' 3.5"	30' 4.5"	No
Maximum Stories	2.5	1.5	2	No
Maximum Building Coverage	35%	18%	22%	No
Maximum Habitable Floor Area Ratio	0.28	0.19**	0.26**	No
Maximum Habitable Floor Area Sq. Ft.	3,220	2,411	3,219	No
Maximum Lot Coverage	40%	23%	33%	No
*The minimum frontage shall not be less than the required lot frontage except that on curved alignments with an outside radius of less than 500 feet, the minimum distance between the side lot lines measured from the street shall not be less than 75% of the required minimum lot frontage.				
**Habitable floor area ratios were not provided by the applicant.				

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 Width (Buena Vista Avenue) – A minimum 115-foot lot width is required, where 100 feet exists and is not proposed to change.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Lot Frontage (Buena Vista Avenue) – A minimum 87-foot lot frontage is required, where 75 feet exists and is not proposed to change.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Rear Yard Setback- A minimum 30-foot rear yard setback is required, where 18.4 feet exists and is not proposed to change.

The applicant has the following existing nonconforming conditions which will be exacerbated based upon the proposed improvements, requiring a variance:

- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements – Minimum Front Yard Setback (Hillside Place) – A minimum 30-foot front yard setback is required, where 24.5 feet exists, and 21 feet is proposed.

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:
 - i. The variance can be granted without substantial detriment to the public good; and
 - ii. The variance can be granted without causing substantial detriment to the zone plan.

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

- 2. The Zoning Officer's denial letter stated that the applicant's additions and renovations were approved with the exception of the proposed covered front porch. The applicant shall provide testimony regarding whether or not building permits have been issued for the renovations and additions.
- 3. The applicant is proposing a covered porch along the Hillside Place frontage. The covered porch would yield a 21-foot front yard setback where 24.5 feet exists. The applicant shall provide testimony in support of this exacerbation of a pre-existing non-conformity.
- 4. There are inconsistencies between the setbacks depicted on the property survey and the site plan. The survey depicts an 18.4-foot rear yard setback, where the site plan depicts 19 feet and 3.5 inches. The survey also depicts a 24.5-foot front yard setback where 25 feet is depicted on the site plan as well as a different driveway location and configuration. The applicant shall clarify whether any work is proposed on the garage which is impacting the setback. If no work is proposed, the plans shall be revised to accurately depict the location and dimensions of existing improvements.

5. The applicant shall provide testimony pertaining to the existing and proposed square feet of habitable floor area for the dwelling. The applicant shall confirm that habitable floor area was calculated pursuant to the Borough Ordinance definition, measuring from exterior wall to exterior wall.
 - a. The applicant shall provide testimony regarding if the dwelling includes a basement or cellar, pursuant to the Borough Ordinance definitions and clarify if the basement or cellar area was included in the habitable floor area calculations. Per the Borough Ordinance, basements are considered habitable floor area. If the house contains a basement the plans shall be updated to include the basement in the habitable floor area calculations.
 - b. The applicant shall provide testimony clarifying whether or not the existing sunroom and screened porch were included in the existing habitable floor area calculation.
6. The applicant shall revise the plans to include the habitable floor area ratio.
7. The applicant is proposing a second addition. It should be noted that the entirety of the second floor addition conforms to all setback requirements of the R-10A Zone. At its shallowest point, the second floor will be stepped back from the ground floor by approximately 3 feet.
8. The applicant shall provide testimony pertaining to the type of materials proposed for the exterior of the dwelling. If available, the applicant shall bring a colorized rendering of the dwelling and samples of the materials proposed for the project to the meeting.
9. Does the applicant propose any landscaping or tree removal as part of the project? The applicant shall confirm that no trees will be removed as part of this application.
10. Are any changes proposed for utility connections? The Borough's Ordinance (§30-9a13) requires utility connections to be installed underground. We defer comment regarding utility connections to the Board Engineer.

Aerial Map of Property



Photographs of Property taken 11/25/2020



Photographs of subject property



Photograph of property across Hillside Place



Photograph of neighboring property along Hillside Place