

TO: Borough of Fair Haven Zoning Board of Adjustment

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

RE: Hans Zimmerer
139 Park Road
Block 7 Lot 15
D(4) FAR & Bulk Variances v3

DATE: February 26, 2021

This report is intended to supplement our previous reports dated October 9, 2020 and January 5, 2021. Please note that our previous comments remain valid unless otherwise noted. We have received the following revised application materials in preparation of this report:

- 3-sheet set Architectural Plans entitled, "Proposed New Dwelling Zimmerer Residence, 139 Park Road, Fair Haven, New Jersey, Block 7 Lot 15," prepared by Anthony Condouris Architect Inc., dated June 10, 2020; last revised February 21, 2021.

Property and Project Description

The subject property is Lot 15 in Block 7, located at 139 Park Road. The property is an irregularly shaped lot with 74.4 feet of lot frontage along Park Road and 157.48 feet of lot frontage along Park Avenue. The lot is undersized in lot area and lot width. The site is currently developed with a one-and-a-half single-family dwelling with a concrete driveway located off Park Avenue and a brick walkway located off of Park Road leading to the existing dwelling. The rear yard fenced in with a picket fence along the rear lot line, and along Park Avenue, encroaching into the right-of-way. Surrounding the property are other single-family dwellings.

The applicant is proposing to demolish the existing single-family dwelling and all associated improvements and construct a new single-family residence, a patio, pool, and a detached garage. Walkways are proposed from both Park Road and Park Avenue to the dwelling and a driveway is proposed from Park Avenue.

Changes from Previous Project Proposal

The applicant has submitted revised materials in response to comments previously made by the Board and Board professionals. The revised materials indicate the following changes to the original submitted proposal:

1. The applicant has reduced the size of the proposed dwelling. The habitable floor area has been reduced by 146 square feet. However, the proposed dwelling continues to require d-variance relief for exceeding the Habitable Floor Area Ratio.
2. The applicant has reduced the length of the proposed covered porch located along Park Avenue and has reduced the size of the proposed patio.
3. The applicant has reduced the size of the proposed detached garage by 70 square feet and relocated the garage to the south western corner of the property.
4. Additional landscaping measures are proposed for the property, including 23 shrubs proposed along the Park Avenue front yard, as well as a landscape screening proposed along the side yard shared with the adjacent lot.
5. The applicant is proposing to reduce the size of the proposed pool from 130 square feet to 120 square feet (based upon the water only calculation).

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 (TBR)	Proposed	Variance
Lot Requirements (Corner Lot)				
Minimum Lot Area	11,500 sq. ft.	9,569 sq. ft.	9,569 sq. ft.	ENC
Minimum Lot Width- Park Road	95 feet	68.2 feet	68.2 feet	ENC
Minimum Lot Frontage- Park Road	95 feet	74.4 feet	74.4 feet	ENC
Minimum Lot Width- Park Avenue	95 feet	Approx. 173 feet	Approx. 173 feet	-
Minimum Lot Frontage- Park Avenue	95 feet	157.48 feet	157.48 feet	-
Minimum Lot Depth	100 feet	157.49 feet	157.49 feet	-
Principal Structure				
Minimum Front Yard Setback- Park Road	30 feet	26.1 feet	25 feet	Variance
Minimum Front Yard Setback- Park Avenue	30 feet	25.6 feet	16 feet	Variance
Minimum Side Yard Setback- One	10 feet	4.4 feet	5.4 feet to raised patio; 8 feet to dwelling	Variance
Minimum Rear Setback	30 feet	73 feet	69.5 feet	-
Maximum Building Height	32 feet	22 feet	32 feet	-

	Required	Existing (TBR)	Proposed	Variance
Maximum Stories	2.5	1.5	2	-
Maximum Building Coverage	35%	18.5%	24.5%	-
Maximum Habitable Floor Area Ratio	0.28	Not Provided	0.29	Variance
Maximum Habitable Floor Area Sq. Ft.	3,220 sq. ft.	Not Provided	2,802 sq. ft.	-
Maximum Lot Coverage	45%	33.8%	36%	-
Accessory Structure - Garage				
Minimum Rear Yard Setback	10 feet	N/A	7.25 feet	Variance
Minimum Side Yard Setback	8 feet	N/A	5 feet	Variance
Maximum Accessory Building Height	15 feet	N/A	15 feet	-
Accessory Structure – Swimming Pool				
Minimum Rear Yard Setback	10 feet	N/A	Approx. 55 feet	-
Minimum Side Yard Setback	10 feet	N/A	10 feet	-

ENC: Existing Nonconforming Condition

TBR: To Be Removed

Variations

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 11,500 square feet where 9,569 square feet is existing. This existing nonconforming condition and is proposed to remain unchanged.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Lot Width- The minimum required lot width is 95 feet, where approximately 69 feet is existing along Park Road. This existing nonconforming condition is proposed to remain unchanged.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Lot Frontage- The minimum required lot frontage is 95 feet, where 74.4 feet is existing along Park Road. This existing nonconforming condition is proposed to remain unchanged.

The application requires the following variances:

- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Front Yard Setback, Principal Structure – The minimum required front yard setback for a principal structure is 30 feet, where 26.1 feet is existing along Park Road and 25 feet is proposed.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Front Yard Setback, Principal Structure – The minimum required front yard setback for a principal structure is 30 feet, where 25.6 feet is existing along Park Avenue and 16 feet is proposed.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Side Yard Setback, Principal Structure – The minimum required side yard setback for a principal structure is 10 feet, where 4.4 feet is existing, and 5.4 feet is proposed to the raised patio.
- §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 (2,679 square feet), where 0.29 (2,802 square feet) is proposed.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Side Yard Setback, Accessory Structure – The minimum required rear yard setback for accessory structures is 10 feet, where 7.25 feet is proposed for the detached garage.
- §30-5.1 Table C: Schedule of Area, Yard and Building Requirements- Minimum Side Yard Setback, Accessory Structure – The minimum required side yard setback for accessory structures is 8 feet, where 5 feet is proposed for the detached garage.
- §30-7.7c: Orientation of Principal Entrance – A proposed building must be oriented to face, which means it must have its most prominent façade and principal entrance face the front of the lot (the lesser lot frontage). The applicant is proposing its most prominent façade to face Park Avenue, which is the greater lot frontage and opposite the side yard.

Planning Comments

1. The applicant shall provide testimony pertaining to all proposed changes.
2. The applicant continues to require a d(4) variance for exceeding the maximum habitable floor area ratio. The applicant has reduced the habitable floor area by 146 square feet, bringing the proposal closer into compliance with the Borough's ordinance.
 - a. In order to comply with the HFAR, the applicant is permitted 2,679 sq. ft. of habitable floor area. The current proposal exceeds this cap by 123 square feet.

3. The applicant has reduced the size of the proposed pool which no longer requires variance relief for its location.
4. The applicant shall provide testimony pertaining to the proposed landscaping, specifically what species are proposed for the shrubs located along the fence on Park Avenue and the landscape screening located along the side yard.
5. The applicant shall provide testimony pertaining to the type, color, and materials of the "Proposed Pool Fence" that is proposed to encompass a portion of the rear yard. We recommend the applicant provide visuals of the proposed fence at the Zoning Board hearing.
6. The applicant is proposing a 5.4-foot side yard setback variance for the raised patio, where the proposed side yard setback for the main portion of the dwelling is 8-feet. Has the applicant considered reconfiguring the proposed raised patio to decrease the severity of the required variance?
 - a. We note that the applicant has reduced the size of the proposed patio. As it is currently proposed, the raised patio will match the length of existing dwelling's footprint.
7. The applicant has reduced the size of the proposed detached garage. Elevations have been provided for the front and one of the sides.
 - a. Based upon the garage details on sheet Z-2 of the revised architectural plans, the rear and other side elevation are not proposed to have windows. The applicant shall confirm.
8. We note that by relocating the garage to the south-western corner of the lot, additional variances are required due to the lot's irregular shape.
9. The applicant shall provide testimony pertaining to the type of materials proposed for the exterior of the dwelling and the detached garage. If available, the applicant shall bring a colorized rendering of the dwelling to the meeting.
10. The applicant shall provide testimony to whether any trees will be removed as part of this project.
11. The applicant shall provide testimony pertaining to whether any outside agency approval, including Freehold Soil Conservation Service, is required.

12. We defer comments regarding stormwater to the Board Engineer.

Aerial Map of Property



Photographs of Property taken 7/22/2020



Photograph taken from Park Road



Photograph taken from Park Avenue



Photograph of neighboring property on Park Road



Photograph of property across Park Avenue



Photograph of property across Park Road