

January 25, 2022

Zoning Board of Adjustment
Neptune Township
P.O. Box 1125
Neptune, NJ 07754-1125

Re: Coastal Habitat for Humanity, Inc. (ZB#21-24)
1742 Bangs Avenue
Block 608, Lot 9
Bulk Variance
Our File: NTBA 21-23

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for bulk variance approval for the above referenced project. The following documents were reviewed:

- Neptune Township Application for Use and/or Bulk Variances dated November 17, 2021.
- Neptune Township Zoning Permit Denial dated March 10, 2021.
- Coastal Habitat for Humanity Plot Plan, consisting of one (1) sheet, prepared by Ray Carpenter, PE, of R.C. Associates Consulting, Inc., dated June 15, 2020.
- Architectural Plans, consisting of two (2) sheets, prepared by David H. Feldman, RA, AIA, of Feldman & Feld Architects, dated February 11, 2020.
- Survey of Property, consisting of one (1) sheet, prepared by Jeffrey Grumn, PLS, of Lakeland Surveying, dated November 23, 2020.

1. **Site Analysis and Project Description**

The subject property, Block 608, Lot 9, consists of 2,500 sq. ft. located on the south side of Bangs Ave in the R-4 Residential Zone District. The site is currently vacant. Residential uses surround the subject property.

The applicant is seeking variance approval to construct a two-story single-family home on the existing, undersized lot.

2. **Consistency with the Zone Plan**

The subject property is located in the R-4 Medium Density Residential Zone District. The purpose of the R-4 Zone District is to provide for single-family residential development at a density not to exceed 8.7 dwelling units per acre. Permitted uses in the R-4 Zone District include Community shelters, detached single family residences, parks, places of worship, recreational facilities, and private or public elementary, middle or high schools. The proposed single-family residence is a permitted use in the zone district.

3. **Ordinance Requirements**

- A. The minimum required lot area in the R-4 Zone District is 5,000 sq. ft., whereas the subject property consists of 2,500 sq. ft. **A variance is needed.**
- B. The minimum required lot width in the R-4 Zone District is 50 ft., whereas 25 ft. is existing. **A variance is required.**
- C. The minimum required lot frontage in the R-4 Zone District is 50 ft., whereas 25 ft. is existing. **A variance is required.**
- D. The minimum required side yard setback in the R-4 Zone District is 5 ft., whereas 4.66 ft. is proposed. **A variance is needed.**
- E. The minimum required combined yard setback is 15 ft., whereas 9.66 ft. is proposed. **A variance is needed.**
- F. Two (2) parking spaces are required, whereas one (1) parking space is proposed. **A variance is needed.**
- G. The required minimum improvable lot area is 1,200 sq. ft., whereas 750 sq. ft. is proposed. **A variance is needed.**
- H. The required minimum improvable diameter is 23 ft., whereas 10 ft. is proposed. **A variance is needed.**

4. **Required Proofs for Variance Relief**

C Variances

A number of “c” variances are required. There are two types of c variances with different required proofs.

- A. Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
- B. Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court's ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that "the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community."
- C. C variances must also show consistency with the negative criteria as well.

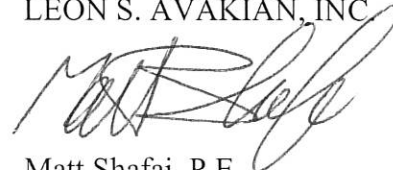
5. **Additional Comments**

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. Due to the undersized nature of the subject property, we recommend the applicant send buy/sell letters to all adjoining property owners. Proof of such should be provided to the board for their review.

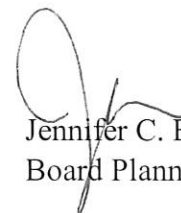
Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC



Matt Shafai, P.E.
Board Engineer



Jennifer C. Beahm, P.P.
Board Planner

MS:clb/mcs
cc: Kristie Dickert, Administrative Officer
Monica Kowalski, Esq., Board Attorney
Jeffrey Chang, Applicant's Attorney
NTBA/21/21-23