

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P., CPWM
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
JENNIFER C. BEAHM, P.P., AICP
CHRISTINE L. BELL, P.P., AICP
SAMUEL J. AVAKIAN, P.E., P.L.S., P.P.

October 23, 2023

Kristie Dickert, Administrative Officer
Zoning Board of Adjustment
Neptune Township
P.O. Box 1125
Neptune, NJ 07754-1125

Re: Juan Carlos Riano Duniga (ZB#23/09)
1322/24 10th Avenue
Block 402, Lots 7 & 8
Use Variance and Bulk Variance
Our File: NTBA 23-13

Dear Ms. Dickert:

Our office has received and reviewed materials for an application for use variance and bulk variance approval in conjunction with the above referenced project and report as follow:

1. Submitted Documents:

- A. Neptune Township Application for Use and/or Bulk Variances dated May 23, 2023.
- B. Survey of Property, consisting of one (1) sheet, prepared by Charles O'Malley, PLS, dated March 7, 2022.
- C. Architectural Plans, consisting of five (5) sheets, prepared by Chris Teeter, RA, dated December 9, 2022.
- D. Community Impact Statement prepared by Barbara J. Ehlen, PP, AICP, of Beacon Planning and Consulting Services, LLC, dated August 2023.

2. Site Analysis and Project Description

- A. The subject application consists of 14,266 sq. ft., located on the south side of 10th Avenue in the R-4 Residential Zone District. The site is currently developed with a two-story frame dwelling, a 1-story frame dwelling, and a 429 sq. ft. masonry garage. Surrounding properties are developed with single family residential uses.

- B. The applicant is proposing to demolish the existing front structure and replace same with a new two-story 1,812 q. ft. single-family home. A d(2) use variance will be required to permit the expansion of the non-conforming, multi-family residence. The existing structure currently holds four (4) units, and the applicant is proposing to replace same with a single-family home, for a total of two (2) units on the subject property. The second floor of the new single-family home will include four (4) bedrooms, two (2) bathrooms, and a walk-in closet. The first floor will include a kitchen, breakfast room, dining room, living room, a half bathroom, washer and dryer, and pantry. The applicant is also proposing to construct a covered deck along the front, and a covered parking area to the rear.
- C. The applicant is proposing to consolidate Lots 7 and 8.
- D. The number of bedrooms for the existing unit in the rear should be provided.

3. **Zoning and Land Use Planning**

The property is situated in the R-4 Medium Family 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 existing multi-family use is not permitted in the zone district. **As such, a d(2) use variance will be required to permit an expansion of the non-conforming use.**

4. **Bulk Requirements**

- A. The minimum one side yard setback in the R-4 zone district is 5 ft., whereas the existing side yard setback of the one-story dwelling is 1'4" (1' on the survey). **This is an existing non-conformity.**
- B. The minimum rear yard setback in the R-4 zone district is 30 ft., whereas the existing rear yard setback of the garage to the rear is 2.7 ft. **This is an existing non-conformity.**
- C. As per §411.07A.3, no porch for a residential structure may extend into a side setback area, whereas the existing porch of the one-story dwelling extends into the side setback. **This is an existing non-conformity.**

5. **Required Proofs for Variance Relief**

A. **D(2) Variance**

A D(2) use variance to permit an expansion of a non-conforming use is required. The applicant must satisfy both the positive and negative criteria to obtain the requested use variance.

- 1) Proving the positive criteria for d(2) variances is set at a lower bar than for a new non-conforming use. Proof should still be proffered that demonstrates the furtherance of a goal of zoning.
- 2) Proving the negative criteria requires evidence that the site can accommodate the expansion of the use without causing a substantial detriment to the public good, nor a substantial impairment the intent and purpose of the zone plan and zoning ordinance.

6. **Additional Comments**

- A. The applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The applicant should provide testimony as to the multi-family use.
- C. The applicant should confirm no improvements are proposed for the rear structure or the garage.
- D. The Architect's plans should be updated to reference the most recent survey submitted with this application.
- E. The entire driveway needs to be replaced.
- F. The applicant indicates parking for both homes will be provided on site. The applicant should provide testimony as to the location of the existing and proposed parking areas, and indicate how the site conforms with RSIS standards.
- G. The Building Characteristics Table should be updated to indicate the location of the site in the R-4 Zone District, rather than R-5.
- H. The applicant should indicate if any driveway improvements or other site improvements are proposed at this time.

- I. The applicant should indicate the total area of the proposed deck along the front, as well as the required setbacks.

7. **Conditions of Approval**

- A. Provide plot plan indicating all required site improvements.
- B. The two (2) lots have to be consolidated to one (1).
- C. Tax Assessor's Approval of the new lot number.
- D. Tax Map Revision fees.

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.



Jennifer C. Beahm, P.P.
Board Planner



Matt Shafai, P.E.
Board Engineer

MS:clb/mcs

cc:

Monica Kowalski, Esq., Board Attorney
Juan Carlos Riano Duniga, Applicant (superstar_roofing@hotmail.com)
Kevin I. Asadi, Esq., Applicant's Attorney (kasadi@zaegerfuchs.com)
NTBA/23/23-13 – Planning Review Juan Carlos Riano Duniga