

LAND USE DEVELOPEMENT APPLICATION
BOROUGH OF AVON-BY-THE-SEA
MUNICIPAL BUILDING
301 MAIN STREET
AVON-BY-THE-SEA, NEW JERSEY 07717

SECTION ONE APPLICANT or OWNER

1. Name, address, and phone number, or the address this application is for)

Name ROBERT C. LYNN BELICHER

Address 24 POOL AVENUE AVON

Phone 732-776-7681 Cell phone 732-567-6715 Fax —

2. Applicant. (address and phone number, if above is not your permanent residence or is a summer address)

Name _____

Address _____

Phone _____ Cell phone _____ Fax _____

3.- Owner (A) Is the Applicant the Owner of the property? Yes ☒ No _____

(B) If the Applicant is NOT the Owner of the property, please provide the following

Owner's Name _____

Address _____

Phone _____ Cell phone _____ Fax _____

(C) If the Applicant is not the Owner, state the Applicant's interest in this property:

4. Applicant's Attorney. Name: ROBERT C. FERNICOLA, ESQ

Address: 301 MAIN STREET ALLENBURST, NJ 07717

Phone: 732-663-1920 Fax: 732-663-0011 E-mail rfernicola@cfalan.com

5. Disclosure: (A) Is the Applicant a corporation or a partnership? Yes _____ No ☒

(B) If the Applicant is either a corporation or a partnership, pursuant to NJSA 40:50D-48.1 and NJSA 40:55D-48.2, and NJSA 40:55D-48.3 please provide a list below, or attached to this application, of the names of all individuals with a 10% or greater interest in the entity which is making the application:

SECTION TWO **PROPERTY INFORMATION**

1. Street Address of Property: 24 Poole Avenue Avon
2. Tax Map Location: Block 43.02 Lot(s): 4
3. Zone in which the Property is Located: R
4. Property Characteristics:

(a) Lot Characteristics	Existing	Proposed	Relationship to the Land Dev Code
Lot Area: sq. ft.	4000 sq. ft.	No change	
Lot Frontage: ft.	40 FT.	No change	
Lot Width: ft.	40 FT.	No change	
Lot Depth: ft.	100 FT.	No change	
Lot Coverage, Building: sq. ft.	1789 sq. ft.	1760 sq. ft.	
Lot Coverage, Building: %	44.7 %	44	
Lot Coverage, Impervious %	80.6 %	64.3 %	

(b) Principle Structure	Existing	Proposed	Relationship to the Land Dev Code
Set Backs (in feet)			
Front			
Rear	10.54 ft.	No change	
Right Side	19.5	18.1	
Left Side	3	No change	
Combined Right & left side	2.41	No change	
Height in feet.	5.41	No change	
Stories	24.6 FT.	32 FT.	
	1.5	2	

(c) Accessory Structures:	Exist	Proposed	Relationship to the Land Dev Code
Set Backs (in feet)	N/A		
Rear			
Sides:			
Distance to Principle Structure			
Height in feet.			
Stories			

- (d) If more than one accessory structure on this property attach a page showing the information for all other accessory structures:

5. Describe the present use of the property: Home was destroyed in hurricane

Sandy. Structure was torn down in June

6. Total Number of Living Units Located on this Property are 1 Include all living units located on this property, even if they are not currently rented, used or are seasonal rentals.

7. Is the current use of this property a conforming use? Yes X No

8. List any current existing zoning violations for this property: None

9. Have you had any previous Planning Board hearings involving this property.

Yes No X If yes, give the date and reason for the hearing. (Include the decision of the

Board.

10. What is the proposed use of this property. SINGLE FAMILY DWELLING

11. Is the proposed use of the property a conforming use? Yes X No

12. Are there any current restrictions, covenants, easements, or association by-laws existing or proposed on/for this property? Yes No X

13. Does the Applicant own any adjoining property? Yes No X

14. Is there any adjoining property that is presently vacant? Yes No X

SECTION THREE DEVELOPMENT RELIEF REQUESTED

1. Type of Application. (Check one.):

(a) Subdivision Approval (b) Site Plan Approval

* (c) Variance Relief "C" (Bulk): ✓ (d) Variance Relief "D" (Use):

(e) Conditional Use Approval: (f) Informal Review

(g) Interpretation of Map Ordinance or Special Question

If requesting, set forth the section questioned. (Attach copy if necessary.)

(h) Appeal of Administrative Officer:

If requesting this, state the nature of the appeal, and attach a copy of the decision being appealed.

(i) Other (If requesting this provide an explanation)

* Height Variance and existing non conformities and any and all variances which may be deemed required by the board.

2. List and describe the variances you are requesting, including the page and section of the Avon Land Use Ord. from which this variance is requested:

Variance #	Page	Section	Description
Variance #1	5-5	113-11	SINGLE - FAMILY RES. DISTRICT #4 MAXIMUM Bldg. HEIGHT - Attached pg 2.
Variance #2			
Variance #3			
Variance #4			
Variance #5			
Variance #6			
Variance #7			

3. Describe in detail the proposed request for relief and the changes to be made to the property: {Attach an additional sheet if necessary.}

4. In detail list all reasons, hardships, benefits or special reasons for providing the relief you have requested

Attach additional sheets if necessary we are requesting the additional roof height

due to FEMA requirements to elevate our home from the

damaged sustained in Hurricane Sandy.

5. List all maps, surveys, reports, and supporting documentation upon which the Applicant will rely and/or which accompanies this application. (Any exhibits which are mounted must be mounted in such a way as to be easily removed.)

6. List all experts who will testify for the Applicant and set forth a brief description of their testimony: (Provide name, address, fax and e-mail address and attach any written reports that are available.)

Michael Savarese, 24 Elizabeth Drive, Ocean Park, NJ 07757

PH # 848-303-8300

Fax # 732-443-4220, Mike Savarese @ m2000x.com

7. Please list all other approvals you may require or will request for the proposed relief:

Height Variance and existing non-conformities and any other

all variances which may be deemed required by the Board

goals. The Borough of Avon is concerned with maintaining the stability and permanence generally associated with single family occupancy throughout its residential neighborhoods. A municipality may endeavor, by legitimate means, to secure and maintain the blessings of quiet seclusion and to make available to its inhabitants the refreshment of repose and the tranquility of solitude. The Borough of Avon-by-the-Sea possesses these goals and, by the regulation herein contained, implements them in a manner which bears a reasonable relationship to the problem sought to be resolved. That problem is the use and occupancy of single family dwellings interspersed among the residential neighborhoods of the community, by groups of individuals whose living arrangements, although temporarily in the same dwelling unit, are transient in nature and do not possess the elements of stability and permanency which have long been associated with single family occupancy. Such living arrangements are not compatible with the family style living sought to be preserved. Such occupancies are in the nature of rooming houses, boarding homes, hotels, motels, and the like. Such uses do not meet the definition of family as contained in this subsection and are prohibited in detached dwellings in all residential zones. This subsection provides zoning classifications that allow for ample apartment and townhouse uses, and there are presently many such uses in existence through the Borough. Ample housing exists within the Borough of Avon-by-the-Sea for those who choose to live under arrangements that do not meet the definition of family as provided in this subsection.

§113-11. ~~R~~ Single-Family Residential District

A. Principal permitted uses on land and in buildings.

- (1) Single family detached dwelling unit.
- (2) Public playgrounds, parks and public purpose uses.

B. Accessory buildings, structures and uses permitted.

- (1) Private residential swimming pools (see §113-25 for standards).
- (2) A maximum of one (1) detached residential garage measuring no more than twenty-six (26) feet in width and depth, and for the purpose of housing no more than 2 vehicles. Carports are specifically prohibited.
- (3) No more than one (1) shed not to exceed one hundred (100) square feet in floor area.
- (4) Fences and walls (see §113-18).
- (5) Piers, docks and boat mooring slips.
- (6) Decks, patios and porches.
- (7) Antennas not to exceed three (3) feet in height, and television "dish" antennas not to exceed twenty-four (24) inches in any one dimension.
- (8) No more than one (1) trellis not to exceed one hundred (100) square feet in floor area. **[Added 5-9-11 by Ord. No. 6-2011]**

C. Additional requirements.

(1) Minimum Lot Requirements.

Lot area 7,000 square feet

Lot width 50 feet

Lot depth 100 feet

(2) Minimum Setback Requirement--Principal Building.

Front yard setback See note (a)

Rear yard setback 25 feet

Side yard setback (each) Minimum of 5 feet
[Amended 1-30-12 by Ord. No. 3-2012]

(aggregate of two side yards) 25% of lot width

Note:

- (a) The front yard shall be determined on the basis of the average front yard depth within the block facing the same street as the subject property (or adjacent block if there are no existing buildings in the block). For new construction, the subject site shall not be included in the calculation. **[Amended 5-9-11 by Ord. No. 6-2011]**

(3) Maximum Coverage.

Lot coverage, Building: **[Amended 5-9-11 by Ord. No. 6-2011]**

For lots over five thousand (5,000) square feet:

Thirty-two (32%) percent if detached garage provided.

Twenty-seven (27%) percent if no detached garage provided.

Note: A three (3%) percent increase in lot coverage, building is allowed if a covered front porch is provided. However, the house and garage portion of the lot coverage may not exceed the coverage percent allowed above without a porch.

For lots five thousand (5,000) square feet and less: Thirty-five (35%) percent

Lot coverage, Impervious: fifty (50%) percent

(4) Maximum building height.

- (a) No principal building located on a lot that conforms to the minimum lot width requirements of Section 113-11.C(1) shall exceed thirty-five (35) feet in height. Maximum permitted building height of a principal building located on a lot that has less than the minimum lot width requirement shall be reduced by a percentage equal to the percent of lot width deficiency, except that the maximum permitted height of any principal building on any lot shall not be less than twenty-eight (28) feet. For example, a principal building on a lot with a lot width of forty-five (45) feet shall have a maximum permitted

height of thirty-one and one-half (31.5) feet (ten (10%) percent lot width deficiency results in a reduction of the building height by ten (10%) percent of thirty-five (35) feet or three and one half (3.5) feet). No principal building on any lot shall exceed two and one-half (2.5) stories above grade.

- (b) No detached garage shall exceed eighteen (18) feet in height.
 - (c) No shed or other accessory building shall exceed eight (8) feet in height.
- (5) Minimum required ground floor area.
- (a) One (1) story single family detached dwelling unit: one thousand twenty (1,020) square feet.
 - (b) Single family detached dwelling units over one (1) story: six hundred thirty (630) square feet.
- (6) Accessory buildings, structures, and uses. Accessory structures intended for use or occupancy and located on or above ground, including swimming pools, patios, and decks, shall not be located in any front yard, must maintain the required side setback of the principal structure and shall maintain a minimum six (6) foot rear yard setback unless otherwise stated in this Ordinance. Fences are specifically not covered by this restriction and are governed by Article V or this chapter. Driveways shall maintain a three (3) foot side yard setback.
- (7) Attached Residential Garages. No attached residential garage shall be intended for the storage of more than two (2) vehicles. Attached garages shall not be permitted if the property contains access to a lane. Where attached garages are permitted, the maximum height of that portion of the principal structure shall be limited to eighteen (18) feet. **[Amended 5-9-11 by Ord. No. 6-2011]**
- (8) Detached Residential Garages. The roof of a detached garage shall be limited to a "gable" or "hip" style roof. A garage roof may have one (1) or two (2) window dormers in each side of which no window shall be larger than four (4) feet in width, and may, in total, be no more than thirty-three and one third (33 1/3%) percent of the total length of the roof.
- (9) Decks: **[Amended 5-9-11 by Ord. No. 6-2011]**
- (a) Decks, Pervious. Pervious decks shall not be permitted in the front yard. Pervious decks shall be limited to the ground level. Pervious decks shall meet the setback requirements of the principal structure. The total area of all pervious decks on any lot, including stairs accessing any deck, shall be limited to five (5%) percent of the total area of the lot.
 - (b) Decks, Impervious. Impervious decks shall be permitted as follows:
 - (i) First floor impervious deck: No ground level decks in the front yard. Side and rear yard ground level decks may be covered with a roof structure (aka "Porch"). Size shall be governed by lot coverage, building.

SECTION FOUR: GENERAL INFORMATION

1. Pursuant to law, Applicant is required to publish Notice in the official newspaper (Asbury Park Press or the Coast Star) and mail a certified notice to all property owners within 200 feet. The Notice must comply with the law and be made at least ten (10) days prior to the assigned hearing date. A Certified Affidavit of Service and a Proof of Publication must be filed 10 days prior to the hearing. A list of property owners within 200 feet and all other groups that must be noticed and may be obtained for a fee of \$20 from the Avon-by-the-Sea Borough Office.

2. The Applicant shall supply eighteen (18) copies of this application, all plans, documents, survey, photographs and other supporting data as outlined in the Instructions to Apply for A Hearing Before the Planning Board of Avon-by-the-Sea.

3. The Applicant will be required to submit the following:

a.) A check for the initial Application/File fee of which the minimum amount will be \$350.00.

This is an estimated amount dependent on the type of Application you are filing. The actual amount may require an additional payment prior to your hearing. A check for the list of names of residents that must be contacted will be \$20.00.

b.) A check for an escrow account for the professional engineer, planner, and/or attorney to review the plans, application, and other documents filed will be required. The minimum amount will be \$1,800.00. This is an estimated amount and additional payments may be required.

c.) Any other fees as required by the Borough of Avon or the State of New Jersey.

d.) A completed W-9 Form (if required) to set up your Escrow Account.

e.) The Applicant should be aware that after completion of any new home or residence the owner will be required to pay certain fees as required by the laws of the State of New Jersey.

SECTION FIVE: CERTIFICATIONS1. APPLICANT/OWNER:

I herby certify that all of the statements made by me are true and I understand that the Board is relying on the information contained in this application. I understand that if any of the information supplied is knowingly false, I may be subject to punishment.

Date 9/19/13 Applicant's Signature [Signature]

2. OWNER: (If other than the Applicant)

I herby certify that I am the owner of the property which is the subject of this application. I have authorized the Applicant to make this application and the representations made in the application are true to the best of my information, knowledge, and belief. I understand that if any of the information supplied is knowingly false, I may be subject to punishment.

Date _____ Owner's Signature _____

3. I here grant permission for Planning Board members and the boards professional representatives to have access to the exterior, unsecured grounds of the subjects property during day light hours for the purpose of performing a visual assessment of the property as it pertains to the proposed application.

Date 9/19/13 Owner's Signature [Signature]

**Borough of Avon-By-The-Sea
MINOR LAND USE CERTIFICATE**

The undersigned applicant hereby applies for zoning approval for the following to be issued on the basis of the representations contained herein, all which applicant swears to be true.

Property: Block: 432 Lot: 4 Street Address: 24 Pook Avenue

Applicant: Name Robert Lynette Belletier
Address 24 Pook Avenue Aven
Cell 732 567-6715 Cell 732-776-7681 Work

Proposed Use: (check appropriate item)

Zone AE Addition New Home Subdivision: Major Minor Pool Deck Patio
Other: (specify)

ATTACH A COPY OF SURVEY & A SKETCH OF PROPOSAL
(Include the following information)

Lot Size 40 X 100 Lot sq. ft. 4,000
Flood Zone AE
Base Flood Elevation 7 ft.

*NOTE: we want to
obtain a variance
for height.*

Existing Lot Coverage: (Building)			
Existing Building -	sq. ft. <u>1368</u>	% <u>34.2</u>	Proposed sq. ft. <u>1748</u> % <u>43.7</u>
Garage -	sq. ft. <u>421</u>	% <u>10.5</u>	Proposed sq. ft. <u>360</u> % <u>9.0</u>
Porch -	sq. ft. <u>22</u>	% <u>0.5</u>	Proposed sq. ft. <u>82</u> % <u>2.0</u>

Impervious Coverage - (Decks, Walkways, Patios, Stairs, Pools etc.)

Existing	sq. ft. <u>3,243</u>	% <u>80.6</u>
Proposed	sq. ft. <u>2574</u>	% <u>64.3</u>

Total Lot Coverage (Building, Garage, Porch, Impervious)

Existing sq. ft. <u>3,243</u>	% <u>80.6</u>
Proposed sq. ft. <u>2574</u>	% <u>64.3</u>

Location of Structure: Front Yard Setback 10.54 feet - if a corner lot

Front Yard Setback (Average on street) feet - if a corner lot feet.

Side Setbacks 5 Proposed no change

Rear Setbacks 19.5 Proposed 18.1

Description of Structure:

Height (existing) 24.6 (proposed) 32.

Stories (existing) 1.5 (proposed) 2.5

Date: 9/10/13.

Signature of Applicant: [Signature]

Property: Block: 4302 Lot: 4 Street: 24 Poole Avenue, Avon, NJ 07712.

Based on the above application and statements which are made part thereof, the proposed usage is / is not found to be in accordance with the Land Use Ordinance of The Borough of Avon-By-The-Sea and is hereby:

Approved / Disapproved.

Date: 9/11/13 Zoning Official: [Signature]

Comments / Explanations:

- 1) Proposed Height Exceeds 113-11, C., (4), (a)
- 2) Survey Not Provided
- 3) Application Incomplete
- 4) Non-Confirming Lot

Referral: To Building Dept.: _____ Planning Board: _____ Engineer: _____

Application Fee \$50 Fee Paid: _____ Check # _____ Cash _____

Mailing Address: Borough of Avon
301 Main Street
Avon, NJ 07717

Zoning Official: Richard Connors
Phone # 732-502-4510

Borough of Avon-By-The-Sea

Plan Review Fee Schedule

The undersigned applicant hereby applies for zoning approval for the following to be issued on the basis of the representations contained herein, all which applicant swears to be true.

Property: Block: 4302 Lot: 4 Street: 24 POOL AVENUE
Applicant: Name ROBERT LEXAN BELLETIER

Address 24 POOL AVENUE AVON BY THE SEA, NJ 07717
Tel# 732-776-7681 Cell 732-527-6715 Work ---

Proposed Use: (check appropriate item)

Zone --- Addition --- New Home --- Subdivision: Major --- Minor --- Pool --- Deck --- Patio ---
Other: (specify) ---

Location of Structure: Front Yard (average on street) Setback --- feet -if a corner lot --- feet.

Side Setbacks

Rear Setbacks ---

Existing Impervious Coverage --- Proposed Impervious Coverage ---

Description of Structure: Height (existing) --- (proposed) ---
Length (existing) --- (proposed) --- (see survey plans)

ATTACH A COPY OF SURVEY & A SKETCH OF PROPOSAL

Date: 3/21/13

Signature of Applicant: [Signature]

Based on the above application and statements which are made part thereof, the proposed usage is / is not found to be in accordance with the Land Use Ordinance of The Borough of Avon-By-The-Sea and is hereby approved / disapproved.

Date: 3/22/13

Zoning Official: [Signature]

Comments / Explanations:

DISAPPROVED - non conforming USE - Variance Request
for side yards - Impervious Coverage - front yard.

Referral: To Building Dept.: --- Planning Board: --- Engineer: ---

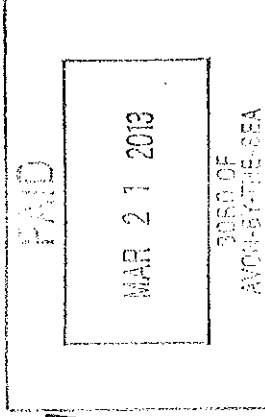
Application Fee \$50

Fee Paid: 50 Check # 789 Cash ---

Mailing Address: Borough of Avon
301 Main Street
Avon, NJ 07717

Zoning Official: Anthony Vecchio
Phone # 732-502-4518

5/23/13
REVISED
PLANS
RECEIVED
SS



5/1/13 Approved plans and
copy of fee in per new plan and
plan 3' in front yard

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.
MEHRVAR SHAFAL, P.E., P.P.
GREGORY S. BLASH, P.E., P.P.
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
ALAN P. HILLA, JR., P.E., P.P.
WILLIAM D. PECK, P.E., P.P.

January 9, 2014

Sheila Sullivan, Board Secretary
Avon-by-the-Sea Planning Board
301 Main Street
Avon, NJ 07717

**Re: Belletier Residence
24 Pool Avenue
Block 43.02, Lot 4
Our File AVPB 13-02**

Dear Ms. Sullivan:

Our office has received and reviewed the plan drawings for the above referenced project and found it in compliance with the conditions of the resolution of approval memorialized on December 12, 2013. The final approved plans have been prepared by Michael Savarese, R.A., of Michael Savarese Architect & Planning consisting of eleven (11) sheets, dated March 5, 2013, and last revised November 14, 2013. Please return one (1) copy of the signed plans to our office.

Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Denis M. Higgins

DMH:cmp
AV/PB/13/13-02a

FILE COPY

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 SHAFARI, P.E., P.P.
GREGORY S. BLASHI, P.E., P.P.
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
ALAN P. HILLA, JR., P.E., P.P.
WILLIAM D. PECK, P.E., P.P.

October 31, 2013

Planning Board
Borough of Avon-by-the-Sea
301 Main Street
Avon, NJ 07717

**Re: Belletier Residence
24 Poole Avenue
Block 43.02, Lot 4
Our File AVPB 13-02**

Dear Board Members:

Our office has received and reviewed an application submitted for Planning Board Approval in connection with the above referenced project. Submitted with the application are the following documents:

- An architectural plan consisting of four (4) sheets prepared by Michael Savarese RA of Michael Savarese Architect & Planning, dated March 5, 2013, with the latest revision on September 16, 2013.
- A survey of property consisting of one (1) sheet prepared by Joseph L. Lazok, P.L.S., dated January 4, 2013, with no revisions.

Our office has reviewed the plans to determine if they conform with the requirements of the Zoning Regulations and report as follows:

1. **Description**

- A. The property is located at house number 24 Poole Avenue (Lot 4, Block 43.02) with a total area of 4,000 square feet.
- B. The existing lot had a two-story dwelling with an attached garage and apartment above it. The dwelling was destroyed in Superstorm Sandy and was demolished in June of 2013. The only part of the structure to remain is the garage and the apartment above.
- C. The Applicant is proposing to reconstruct the two-story dwelling, which will be attached to the existing garage and apartment above.

2. Zoning and Land Use

- A. The property is located in the R Single-Family Residential District. The Applicant is reconstructing the two-story dwelling in a smaller footprint than the original dwelling. The construction of the single family dwelling is a permitted use.
- B. The proposed improvements require Board Approval for variances including, side and rear yard setback, building and impervious lot coverages, building height, and others as described in this report. The existing lot has non-conformities on lot area and lot width.

3. Variances and Waivers

- A. In accordance with Section 113.11.C.(1), the minimum lot requirements are as follows:
- 1) The minimum lot area permitted per the district is 7,000 square feet. The existing lot has an area of 4,000 square feet, which represents an existing non-conformity.
 - 2) The minimum lot width permitted per the district is 50 feet. The existing lot has a width of 40 feet, which represents an existing non-conformity.
 - 3) The minimum lot depth permitted per the district is 100 feet. The existing lot has a depth of 100 feet, which conforms.
- B. In accordance with Section 113.11.C.(2), the minimum setbacks requirements for the principal dwelling are as follows:
- 1) The front yard shall be determined on the basis of the average front yard depth within the block facing the same street as the subject property.

The existing front yard setback to the existing garage is 10.54 feet. The Applicant should provide calculation indicating compliance with the average front yard setback.
 - 2) The minimum rear yard setback permitted per the district is 25 feet. The Applicant is proposing a rear yard setback of 18.1 feet.
A variance is required.

- 3) The minimum side yard setback permitted per the district is 5 feet on one side and the aggregate of the two side yards shall be 25% (10 feet.) of the lot width. The existing side yard setback to the existing garage is 2.52 feet on one side and the formerly existing aggregate of the two side yards is 5.52 feet, which represents an existing non-conformity. The proposed part of the dwelling is 3.00 feet on one side and the proposed aggregate of the two side yards is 5.52 feet. **A variance is required for both side yard setbacks.**

C. In accordance with Section 113.11.C.(3), the maximum coverages are as follows:

- 1) The maximum building lot coverage (for lots 5,000 square feet or less) permitted per the district is 35%. The Applicant is proposing a building lot coverage 44.0%. **A variance is required.**
- 2) The maximum impervious lot coverage permitted per the district is 50%. The Applicant is proposing impervious lot coverage of 64.3%. **A variance is required.**

D. In accordance with Section 113.11.C.(4), the maximum permitted building height of a principal building located on a lot that has less than the minimum lot width requirement shall be reduced by a percentage equal to the percent of lot width deficiency, except that the maximum permitted height of any principal building on any lot shall not be less than twenty-eight (28) feet.

The maximum building height permitted for the lot is 28 feet. The Applicant indicates the proposed building is 32 feet from the existing grade along the front of the dwelling. The Applicant should provide calculation of building height based on the definition provided. *Building height* is the vertical distance measured to the highest point of the roof structure from the crown of the road directly opposite the center of the front lot line.

Please note that if a principal structure exceeds the maximum allowable building height by 10 feet or 10%, a D Variance or Use Variance will be required, in accordance with N.J.S.A. 40:55D-70d of the Municipal Land Use Law.

4. **General Comments**

- A. The Applicant should provide testimony on the compliance with the parking requirement in accordance with the Residential Site Improvement Standards.
- B. The Applicant is proposing the reconstruction of a former residence damaged by Superstorm Sandy, which is within the former footprint. In accordance with NJAC 7:7-2.2(a)7, a CAFRA permit is not required, provided all reconstruction taking place within the original footprint of the building.

The Applicant has added a deck to the rear of the structure, which was not part of the original dwelling. In accordance with NJAC 7:7-2.1(c)5. A CAFRA Permit shall not be required for the construction of a patio, deck, or similar structure at a residential development, provide such construction does not result in the grading, excavation, or filling of a beach or dune.
- C. In accordance with the current FEMA Best Available Flood Hazard Data Map, Panel 0334 for the Borough of Avon-by-the-Sea, the existing property is located within the 100 year flood area (1% chance storm) Zone AE10 with an elevation of 10 feet above main sea level.

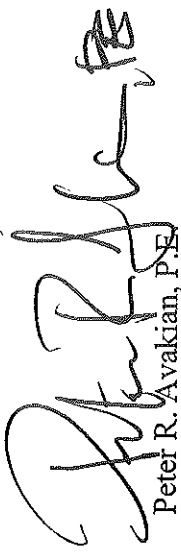
The Applicant has indicated two different finished floor elevations on the plan which are above flood elevation 10 feet. The Applicant should revise this discrepancy.
- D. The Applicant should provide testimony on the compliance with the Borough Flood Damage Prevention Ordinance.
- E. The proposed two-story frame dwelling on the proposed site plan is identified as an existing two-story frame dwelling. The Applicant should revise the plans.
- F. A general note should be added to the plan indicating the existing curb sidewalk along the frontage will be replaced if found in poor condition.
- G. The Applicant should provide information that taxes are currently paid.
- H. The Applicant shall secure any and all construction permits needed for the project.

Our office reserves the right to provide additional comments upon receipt of revised plans.

If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Peter R. Avakian, P.E.
Consulting Engineer

DMH:cmp

cc: Sheila Sullivan, Board Secretary
Mark Kitrick, Esq., Board Attorney
Robert C. Femicola, Esq., Applicant's Attorney
Michael Savarese, RA, Applicant's Architect
Robert and Lynn Belletier, Applicant

AV/PB/13-02