PLANNING TESTIMONY IN SUPPORT OF
- c(1) & c(2) Bulk Variances (Lot Size & Width, Coverage, Density Setbacks) – R2 Zone
- d(4) FAR Variance
- d(6) Height

City of Asbury Park
ZONING BOARD OF ADJUSTMENT

300 6th Avenue, LLC
Two-family Dwelling on 3,500SF Lot
300 6th Avenue
Block 3606, Lot 5

David Glynn Roberts, PP, AICP, LLA,
The site for the proposed two-family use is situated on the southeast corner of the R-2 Zone and southwest corner of the intersection of 6th Avenue and Webb Street.

The site is vacant and is surrounded by multifamily buildings: Kingsley Terrace to the east, two three-family dwellings (302 and 304 6th) and a large multifamily apartment building 310 6th Avenue two lots to the west.
SURROUNDING AREA
The proposed site for a two-family use is bounded on all sides and across the street by multifamily uses, including a four-unit condominium to the south on Webb Street and two 3-family uses to the west.

Across Webb Street and 6th Avenue from the subject site is a multifamily apartment building and two three-family dwellings occupy the opposite corner of Webb and 6th. Across 6th Avenue there are three multifamily condominium buildings and a row of five dwellings on 50’x150’ lots, of which three are 2 to 3 family dwellings, one is a rooming house and one appears to be a one-family (one electric meter and one mailbox as viewed from the street).
Views of 302 6th (left) and 302 ½ 6th with circles showing three mailboxes for both and three gas meters for 302 6th.

Views of 302 6th (left) and 302 ½ 6th with circles showing three doorbells at entrance of 302 6th and three mailboxes at 302 ½ 6th. 302 6th is on a 40’ x 100’ lot and 302 ½ is on a 25’ x 100’ lot.
Site Photos – Existing Conditions (Webb Street)

View of subject site with two 3-family dwellings on a 40′x100′ and 25′x100′ lot to the right and 1411-15 Webb Street Condominium (4 units in three buildings) on Block 3606, Lot 6 (50′ x 100′ lot) to the rear.

301 Sunset Avenue on the opposite end of Webb Street on Block 3606, Lot 7: 6-unit rental apartments per Apartments.com
View of four of the five frame dwellings on 50’x150’ lots in Block 3603 along 6th Avenue across from the subject site in the R2 Zone. Of the five dwellings, one is a three-family, one a rooming house, two have two or more units and one appears to be a one-family.

The Park Avenue side of Block 3606 has three single-family homes on 25’x100’ lots in the middle of the block with two large condominium apartment buildings on opposite corners.
**REQUESTED RELIEF**

**Setbacks**

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**ZONING COMPARISON TABLE**

<table>
<thead>
<tr>
<th>ZONE: R-2</th>
<th>REQUIRED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-1 FAMILY RESIDENTIAL w/ WATERFRONT RENOVATION INFILL AREA OVERLAY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MINIMUM LOT AREA</td>
<td>2300 SF / UNIT</td>
<td>3500 SF (NO UNITS)</td>
<td>1750 SF PER UNIT (V)</td>
</tr>
<tr>
<td>MAXIMUM DENSITY</td>
<td>7 1/2 D.U./AC</td>
<td>N/A</td>
<td>24.8 D.U./AC (V)</td>
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<tr>
<td>MAXIMUM FAR</td>
<td>1.5 (1750 SF)</td>
<td>N/A</td>
<td>1.0 (2466 SF) (V)</td>
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<tr>
<td>MINIMUM LOT WIDTH</td>
<td>50 FT</td>
<td>35 FT</td>
<td>35 FT</td>
</tr>
<tr>
<td>MIN LOT FRONTAGE</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>MINIMUM LOT DEPTH</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>MINIMUM FRONT YARD SETBACK (6TH) (WEBB)</td>
<td>25 FT</td>
<td>N/A</td>
<td>25 FT, BUILDING</td>
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<tr>
<td>MINIMUM SIDE YARD SETBACK</td>
<td>6 FT</td>
<td>N/A</td>
<td>6 FT, BUILDING</td>
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<tr>
<td>MINIMUM COMBINED SIDE YARD SETBACK</td>
<td>14 FT</td>
<td>N/A</td>
<td>10 FT (W &amp; E) (V) SETBACK</td>
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<tr>
<td>MINIMUM REAR YARD</td>
<td>25 FT</td>
<td>N/A</td>
<td>25 FT, BUILDING</td>
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<tr>
<td>MAXIMUM PERCENT LOT (BLDG) COVER</td>
<td>25% (375 SF)</td>
<td>N/A</td>
<td>1216 SF (34.74%) (V)</td>
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<tr>
<td>MAXIMUM NUMBER OF STORIES</td>
<td>2.5 FT / 30 FT</td>
<td>N/A</td>
<td>2 ST / 30 FT</td>
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<td>MAXIMUM BUILDING HEIGHT</td>
<td>30 FT</td>
<td>N/A</td>
<td>30 FT LOW PARAPET</td>
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<tr>
<td>MINIMUM IMPROVABLE LOT AREA</td>
<td>N/A: NOT INCLUDED ON SCHEDULE</td>
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<td></td>
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<tr>
<td>OFF STREET PARKING SPACES</td>
<td>3</td>
<td>3</td>
<td>4</td>
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<tr>
<td>LOADING SPACES</td>
<td>N/A</td>
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<td>N/A</td>
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<tr>
<td>SIGNS</td>
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<td>EXISTING USE OR USES</td>
<td>VACANT LAND</td>
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<tr>
<td>PROPOSED USE OR USES</td>
<td>RESIDENTIAL - 2 UNITS</td>
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<tr>
<td>EXISTING FLOOR AREA</td>
<td>N/A: NO EXISTING STRUCTURE</td>
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<td></td>
</tr>
<tr>
<td>PROPOSED FLOOR AREA</td>
<td>2466 SF</td>
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</tbody>
</table>

**NOTES:**

- **(V)** indicates pre-existing nonconforming condition
- **(v)** indicates proposed variance
- **(1)** 30-60.2 a2. REQUIRED SIDE STREET SETBACKS ON CORNER LOTS MAY BE REDUCED ONE FOR EACH THREE FEET THE LOT IS UNDER THE MINIMUM WIDTH REQUIRED IN THE ZONE DISTRICT
- **(2)** 30-103.5 c2. PARKING SPACES WITHIN ENCLOSED GARAGES MAY BE CREDITED TOWARDS THE PARKING REQUIREMENT PROVIDED THAT NOT MORE THAN ONE (1) DRIVEWAY PARKING SPACE IS LOCATED BEHIND ANY ONE (1) GARAGE SPACE
- **(3)** 30-603.B3 PENTHOUSE SIZED TO BE 20% OF THE FLOOR BELOW
The proposed building footprint respects the front and rear setbacks of the adjacent multifamily frame dwellings and the balconies are setback significantly farther than the covered porches of the adjacent dwellings on 6th and Webb. The required relief applies to the balconies only. There is a hardship due to the nonconforming lot width and corner lot requirements of the LDO, as the combined 20 foot setback from Webb Street and the 6 foot side yard (26 feet) allows a building envelope of only 9 feet. The LDO requires the width of a dwelling to be at least 20 feet.
REQUESTED RELIEF

- Property is in AE10 Flood Zone, which requires that the lowest habitable floor must be at Elevation 11. The only allowable use at ground level is parking and storage.

- The proposed two-family dwelling has two habitable floors and a 200 sf stairwell penthouse to a rooftop balcony.

- While penthouses are exempt from the height limitation in non-residential zones, a d6 height variance is required for the proposed penthouse because the Asbury Park LDO does not allow for the FEMA requirement to elevate.
Art Deco is contemplated in the WRP on page 60: “Other styles with a significant historical development (such as Art Deco-Streamline) may also be appropriate and while not intended to be discouraged, are not addressed in these guidelines. If proposed, the design should strictly adhere to a documented and substantiated stylistic format”.

Deal Lake Court
Circa 1930
§ 30-70.5. (R2) - Two to Four Family Residential Zone.

a. Permitted Principal Uses.
   1. Detached single family homes on individual lots of at least fifty (50) feet in width and five thousand (5,000) square feet.
   2. **Two-family**, three-family, or four-family dwellings within one (1) principal structure on a lot of not less than two thousand five hundred (2,500) square feet per dwelling unit.
   3. Essential municipal services facilities.
Particular Suitability

- The subject site is particularly suited to the two-family use.
  - The use would be permitted on a 50’x100’ lot in the zone;
  - The 35’x100’ lot is equally nonconforming in size for or one-family or two-family use;
  - The proposed two-family use is less dense than other nonconforming lots in the R2 Zone that have three or more units on a lot less than 50’x100’ in area as well as multifamily uses on lots far less than 2500 sf per unit.
  - The subject site is in the Waterfront Renovation Infill Area on the edge of the Prime Renewal Area where existing and new high-density residential development has been occurring and will continue. The site is one of few remaining vacant lots and its corner location provides access from Webb Street.

Purposes of Zoning

- “a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare”.
- “g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens”.
- “i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement”.

BULK RELIEF – c1 & c2 Findings

C1 - Hardship

- The subject site is 15 narrower than a conforming lot and its corner location imposes two front yard setbacks.
  - Even with the allowance of a one foot setback for every three feet of lot width shortage, the 20 foot front setback from Webb Street, combined with the 6 foot minimum side yard leaves a 9 foot building envelope. No dwelling, whether one-family or two-family could be built without setback relief.
  - The original LDO had an allowance for porches to extend into the front yard if unenclosed on three sides. That exemption was removed, rendering most of the front porches in the City with nonconforming front yard setbacks, The proposed setback variance from 6th Avenue applies only to the balconies, which are aligned with balconies of adjacent buildings and more conforming than the covered porches.
  - All of the other buildings in the immediate neighborhood were constructed prior to FEMA regulations that require any new residential building to be elevated to the Design Flood Elevation (BFE + 1 foot of freeboard). Without an associated height exemption to account for the elevation requirement, there is a hardship in attaining the otherwise permitted 2.5 stories. Despite the hardship, the proposed dwelling is conforming except for the penthouse, which is only 200 sf.
  - The building coverage and FAR relief is also related to the narrowness of the lot, but the coverage of the foot print is comparable or less than adjacent buildings within the block.

C2 – Advances Purposes of Zoning – Benefits outweigh detriment

- “a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare”. The existing lot is often used for illegal parking and is otherwise unsightly and underutilized. The proposed development will provide an appropriate interface with new redevelopment in the Prime Renewal Area to the east.
- “g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens”. Given the single-family uses on 25 foot wide lots and multifamily dwellings on lots less than 50 feet wide in the block, the two-family dwelling use on the subject lot the appropriate use for that location in the Renovation Infill Area.
- “i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement”. The two-family use and Art Deco architecture is consistent with the Master Plan and Waterfront Redevelopment Plan.
Relevant Recommendations:

1. While another R2 residential area closer to Main Street was recommended for rezoning to R1 (single-family) because of conversions of former two or more unit multifamily dwellings to single-family homes and a significant single-family character, there was no change recommended for the R2 Zone that contains the subject site. The proposed two-family use is consistent with the 2017 Master Plan.

2. The regulatory recommendations for the R2 Zone focus on the elimination of three-family and four-family uses and renaming the district “One and Two Family Residential”. The proposed two-family use is consistent with this recommendation and would reinforce the few two-family uses and the one single family use on that block of 6\textsuperscript{th} Avenue.
NO SUBSTANTIAL ADVERSE IMPACT ON PUBLIC WELFARE:

- The Board must determine that the grant of the Use Variance will not adversely impact the surrounding area:
  - The subject property is surrounded by higher density multifamily uses and is located at a corner adjacent to the Prime Renewal Area of the Waterfront Redevelopment Plan, where high density and mixed-use redevelopment projects have been and will continue to be the predominant use.
  - The lot area nonconformity for a two-family use is the same as for a one-family use, but the corner lot location allows for greater flexibility on the provision of off-street parking.
NO SUBSTANTIAL IMPAIRMENT OF ZONE PLAN & ORDINANCE:

- The Board must determine that the grant of the Use Variance will not substantially impair the purpose and intent of the Master Plan and land development standards:
  - The proposed two-family use is consistent with the recommendations of the 2017 Master Plan and Reexamination that the R2 Zone be restricted to one and two-family uses.
  - The proposed two-family use would help to offset the preponderance of multifamily dwellings on the 6th Avenue side of the block.
Conclusions:

- The proposed two-family use is permitted in the R2 Zone and the principal deficiency of the proposed site is that it is 3,500 square feet in lot area where 5,000 square feet is required. However, there is no difference in lot area requirement between a one or two-family use, so the lot is equally nonconforming for each and there is no way to expand the lot area.

- The subject lot is consistent with the size of other lots in the area. The one-family uses on Park Avenue are on 25’x100’ lots and the adjacent 3-family dwellings are on 40’x100’ and 25’x100’ lots respectively.

- Within the 6th Avenue frontage of Blocks 3606 and 3603 in the R2 Zone, only four properties (305, 307, 309 and 313) conform to the R2 regulations, as 311 6th Avenue is a rooming house.

- The grant of the Use Variance would advance at least three purposes of zoning and would be consistent with the overarching objective of the 2017 Master Plan Reexamination to emphasize one and two-family uses in the R2 Zone and eliminate three and four-family uses.