

**ZONING BOARD OF ADJUSTMENT
NOVEMBER 10, 2022**

PRESENT: Chuck Ross, Phil Greig, Annemarie Drazenovich, Mark Fitzgerald, Tony Almeida, Mike Melango, and Holly Deitz

ABSENT: John Lisko, Tom Palmisano, and Michael Druz

ALSO, PRESENT: Board Attorney Kevin Kennedy and Board Secretary April Claudio

Mr. Ross made a motion to waive the reading and approve the minutes of the October 27, 2022 meeting, which was second by Mr. Melango and approved by the following vote:

AYES: Mr. Ross, Mr. Greig, Mr. Fitzgerald, Mr. Almeida and Mr. Melango

NAYS:

ABSTAIN: Ms. Deitz and Ms. Drazenovich

Resolution for Edelman Investments, 112-114 12th Avenue was carried to the next meeting.

Mr. Greig made a motion to waive the reading and approve the resolution for Fuccilli Family LLC/400 Ocean LLC, 400-408 Ocean Avenue, which was seconded by Ms. Deitz and approved by the following vote:

AYES: Ms. Deitz, Ms. Drazenovich, Mr. Ross, Mr. Greig, Mr. Fitzgerald, and Mr. Almeida

NAYS:

INELGIBLE: Mr. Melango

ABSTAIN:

Mr. Fitzgerald made a motion to waive the reading and approve the resolution for Mark Kazemi and Andrea Sweeney, 201 19th Avenue, which was seconded by Mr. Greig and approved by the following vote:

AYES: Ms. Deitz, Ms. Drazenovich Mr. Ross, Mr. Greig, Mr. Fitzgerald, Mr. Almeida and Mr. Melango

NAYS:

ABSTAIN:

Mr. Greig made a motion to waive the reading and approve the resolution for Joseph Byrne, 1303 ½ H Street, which was seconded by Mr. Melango and approved by the following vote:

AYES: Mr. Ross, Mr. Greig, Mr. Fitzgerald, Mr. Almeida and Mr. Melango

NAYS:

ABSTAIN: Ms. Deitz and Ms. Drazenovich

Mr. Greig made a motion to carry the application of Christopher & Michelle Frank, 503 ½ 12th Avenue to the December 15th meeting due to a noticing issue, which was seconded by Mr. Ross and approved unanimously.

Mr. Greig made a motion to carry the application of Kristen Ciccimarra, 103 9th Avenue Unit 8, to the December 15th meeting due to a noticing issue, which was seconded by Mr. Ross and approved unanimously.

SUE & BILL ASHNAULT – 315 11TH AVENUE

Appearing for this application was Mrs. Ashnault and her architect Anthony Scalise. Exhibits marked: A1 application, A2 minor land use application, A3 architectural plans. Variances requested: driveway width, parking in the front yard, and curb cut width. Three parking spaces are required, and they can comply based on the proposed design.

Mr. Almeida asked if the existing curb cut is 12 feet and if so, what will they do about the utility poles and trees if make it larger. Mr. Scalise stated the trees might have to go but will put some back elsewhere.

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Ms. Deitz asked why they aren't requesting a variance for two parking spaces instead of having a large driveway.

Mr. Scalise stated they are amenable to reducing the width of the driveway.

Mr. Melango suggested the driveway be moved closer to the property line because it only requires a 1-foot setback. He was not comfortable with having three cars across the front yard. Mr. Scalise suggested reducing the width from 27 feet to 20 feet. Would still have room for three vehicles but only two would be compliant.

Mr. Scalise agreed to keep the curb cut as is and therefore no variance is required.

Mr. Greig agreed with Mr. M elange's statement about moving the driveway closer to the property line.

Mr. Ross asked about impervious coverage. Mr. Scalise stated they will not exceed the 50% allowed.

Public: None

The Board agreed the change to reduce the width of the driveway and to keep the curb cut as it is existing was the better option. This new plan won't affect the trees as well.

Mr. Greig made a motion to approve the application, which was seconded by Ms. Deitz and approved by the following vote:

AYES: Ms. Deitz, Ms. Drazenovich Mr. Ross, Mr. Greig, Mr. Fitzgerald, Mr. Almeida and Mr. Melango

NAYS:

ABSTAIN:

ZEYNAB ABDULKAFAROVA & BATRAZ KAZIMETOV – 208 15TH AVENUE

Appearing for this application was Ms. Abdulkafarova, her attorney George McGill, her architect Mary Hearn and engineer Joe Kociuba.

Also appearing were objecting attorneys Joseph Michelini representing Mr. and Mrs. O'Leary of 214 15th Avenue and Roberta Burcz representing the Katelus estate of 210 15th Avenue.

Exhibits marked: A1 application, A2 addendum to application, A3 photos, A4 survey, A5 Minor land use denial sheet, A6 applicant checklist, A7 minor land use application, A8 variance plan, A9 architectural plans, A10 photo board, A11 aerial, A12 colored site plan, and A13 colored elevations.

The proposal was to build a new single-family home. Variances requested: 2500 square ft. lot size, both side yard setbacks, total side yard setback, depth of deck in the front yard, building coverage of 50%, impervious coverage of 56%, floor area ratio of 100%, and number of parking spaces, 1 proposed.

Ms. Abdulkafarova stated she has owned the property since February 2020. Her and her husband have offices at 917 Main Street for their businesses. They would like to live in Belmar full time. The existing house is very small and has some construction and fire damage.

Ms. Burcz asked if they knew lot was small when they purchased it. Ms. Abdulkafarova replied yes. Mr. Michelini asked why a bigger than allowed house is needed.

Ms. Hearn stated the house is small and Ms. Abdulkafarova would like to have her children and grand children visit. She also designed the house to meet their needs.

Ms. Hearn explained the plans. There is no room for a porch on the first floor, so she put it on the second floor. The main living area will be on the second floor with the bedrooms and an office on the first floor. The half story will have a master suite. It is a modest house for today's

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standards, but it is on a very small lot. The house sits no further in the front yard than the houses on either side. If the moved the house 2 ft. closer to the street, then they would not need a variance for the width of the porch, however she felt it was better for the neighbors to ask for the variance. The house as it currently sits is at 42% building coverage which is already over the allowed 30%.

Ms. Burcz asked if a parking space would be lost. Ms. Hearn replied no. Mr. Fitzgerald asked if there is a shared driveway. Ms. Hearn replied no but stated there is a curb cut that goes to the sidewalk and is used as an illegal driveway. Mr. McGill stated he could not find any record of a shared driveway easement. Ms. Burcz and Ms. Hearn debated over the floor plans.

Mr. Michelin also debated with Ms. Hearn over the floor plans. Questioning what size would be more compliant. His client's issue is with the size of the house and that it doesn't comply with floor area ratio. Mr. Michelini felt the setbacks were being made worse. Ms. Hearn disagreed as it is only changed by three inches.

At 8:24 pm the Board took a brief recess. The Board reconvened at 8:34 pm. Roll call was taken. All were still present.

Mr. Michelini disagreed with Mr. McGill about the exhibits presented tonight and that they weren't submitted 10 days in advance. Mr. Kennedy did not know of any ruling that would prohibit them from submitting additional exhibits.

Mr. Michelini discussed with Ms. Hearn moving the parking underground and fire risk mitigation.

Mr. Kociuba spoke about the existing setbacks and site conditions. There are lots in the area that are similar in size. It is a single-family zone but there are some nonconforming uses to the east and west of this property. The illegal shed will be removed, a proper curb cut will be installed, and parking will go from 0 spaces to 1. There will be no change to the parking on the street. If the Board does not grant the variance for the porch width that that additional 2 feet can be come house. A 15 ft. wide house would not look right on this property or any property and would be out of place and out of character for the neighborhood. The building coverage is due to it being a modest size home. There are 21 properties on this block and on 16 of them the proposed house could be built with a complying floor area ratio. Only lots that are 25 ft. wide have a floor area ratio issue. The impervious coverage is only over by 35 square feet. There is not a lot of proposed hard surface. The floor area ratio is necessary to create a home for year-round living. There is no greater or less of an impact of a compliant floor area ratio home vs a non-compliant home. The look from the street wouldn't change. It would still be a three-bedroom home. He felt the variances could be granted under the C1 and C2 criteria. The hardship is it is a small narrow lot. The variances are reasonable. Parking is being improved. The benefits outweigh any detriments. The home would be built to current construction and fire codes and promote a desirable visual improvement. There is no other land available to make this lot larger.

Exhibit A14 was submitted showing the Belmar Park Tract map from 1908 which showed the lots were originally 20 feet wide and at one point 2 ½ properties were merged into 1.

Exhibits A15 and A16, deeds from 1924 and 1925 were also submitted.

Mr. Michelini talked about reducing floor area ratio to create more air, light and open space. He suggested removing the study and making the house smaller. Make the bathrooms smaller. Remove the walk-in closets.

Mr. Fitzgerald pointed out that the applicant was not requesting a variance for height. Mr. Michelini felt the height needs to be considered because of the setbacks.

Mr. Michelini felt there were enough architectural features proposed and therefore the turret was not necessary.

Mr. Fitzgerald pointed out that if the half story was simply an attic, then it would be closer to complying with floor area ratio, but the house would still look the same.

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Mr. Michelini had a planner that he wanted to present and also have his client testify.

Given it was 9:52 pm the Board decided to stop and carry the application without further noticing to the December 15th meeting.

Mr. Fitzgerald made a motion to adjourn the meeting, which was seconded by Mr. Greig and approved unanimously.