

Memorandum

To: Stephen Carasia, Administrator
From: Peter R. Avakian, P.E.
CC: File
Date: May 29, 2020
Re: 15 Poplar Avenue, Zoning Review

Stephen,

Our office is in receipt of the following information relating to a zoning determination for proposed improvements at the above referenced property in the Borough of Deal:

1. Site Plan prepared by Matrix New World, dated revised through March 11, 2020.
2. Correspondence from John A. Giunco, Esq. ghclaw.com, dated May 22, 2020.
3. Planning Memorandum from Andrew Janiw, AICP,PP dated May 13, 2020

The current site plan indicates a distance from the street line to the closest point of the dwelling as 93.9 feet, which is known as the front yard setback. At this location, the lot width is 100 feet, which establishes the front yard.

The rear yard lot line is the property line to the north, which establishes the rear yard area and setback. All other property lines and yard areas are designated as side lot lines or side yard areas.

A review of the planning memorandum prepared by Andrew Janiw, PP, provides the following analysis (**with his text indicated in a blue font color**):

The most recent site plan prepared by Matrix New World, dated March 11, 2020, depicts a configuration of the proposed home wherein the closest point of the building is 93.9' from the street line. The width of the lot is established at 100' pursuant to the ordinance definition measuring the width as the "distance between side lot lines measured parallel to the street line at the minimum building setback from the street line" (emphasis added). The street line is defined as the line "forming the dividing line between the street and the lot".

Lot line and street line are interchangeable for that portion of the lot abutting a street pursuant to the definition of "lot line". The March 11, 2020 plan clearly establishes the distance from the street line to the closest point of the building as 93.9'. The width of the lot at this point is 100'. Checking for consistency with the definitions of "setback line" and "yard", both refer to the space between a street line or lot line and the point of the building closest to the street line or lot line. These definitions likewise establish the setback and front yard at 93.9' from the street line.

This interpretation of the plain language of the ordinance is further reinforced by the inclusion of the very specific language defining "side lot line". The ordinance defines this term as any (*emphasis added*) boundary line which is not a street line or a rear lot line. The plan for 15 Poplar Avenue acknowledges 100' along the street and establishes the closest point of the building 93.9' north of the street line. The rear yard is established opposite the street line as the northern boundary of the lot. Therefore, by definition, every other lot line is a side lot line requiring a setback to the principal structure of 20% of the 100' lot width. Thus, the required setback along every lot line other than the street line and the rear lot line is 20'.

Our review of the Matrix site plan, dated revised through March 11, 2020, concludes that the current layout does not require variance approval for the front yard setback.

Based upon this information, you can proceed with your zoning determination. Please contact our office if you require any additional review or information.

A handwritten signature in black ink, appearing to read 'Peter R. Avakian', written over a horizontal line.

Peter R. Avakian, P.E.
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