

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

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December 6, 2019

Planning Board  
Borough of Allenhurst  
125 Corlies Avenue  
Allenhurst, NJ 07711

**Re: Chera Residence  
1 Spier Avenue  
Lot 5, Block 36  
Borough of Allenhurst  
Our File: ALPB 19-13**

Dear Board Members:

Our office has received and reviewed an application for an appeal of a Notice of Violation in connection with the above referenced project. The following documents have been reviewed:

- Survey, Lot 5, Block 36 consisting of one (1) sheet prepared by Andrew J. Kirtland, of KTJ Associates, LLC, dated December 5, 2018, with no revision date.
- Hedge Variance Plan for 1 Spier Avenue, Block 36, Lot 5 consisting of one (1) sheet prepared by David H. Boesch, LLA of Nelson Engineering Associates, Inc., dated August 6, 2019, with no revision date.

The application has been deemed **COMPLETE**. We have completed our engineering review of the submitted application.

**1. Property Description**

- A. The subject property is located at 1 Spier Avenue (Lot 5, Block 36 on the current tax map) and contains 15,406 square feet. The property is approximately 104 ± feet in width by 140 ± feet in depth. The property has dual frontage on Spier and Ocean Avenues.
- B. The lot currently has a 3,200 ± square foot single-family three-story home and an existing 428 ± square foot two-story detached garage.
- C. Along both frontages the Applicant has planted privet hedge that is 42" to 48" high. The hedge row is set five (5) feet back from the existing masonry retaining wall. The current masonry wall height is approximately 3 feet 9 inches at the sidewalk.

D. In accordance with zoning determination, the hedge row was given a Notice of Violation exceeding the front yard height requirement.

2. **Zoning and Land Use**

A. The property is located in the R-1 Residential District and single-family dwellings and detached garages are a permitted principal use in this zone district.

B. The proposed improvement requires Planning Board approval for an appeal of zoning determination from the Zoning Officer.

3. **Variances**

The following section of the ordinance applies to the hedges:

A. Ordinance 26-5.2 – Fence

- 1) Definition. A fence shall be a structure of any material built, erected or interposed in, on or upon any lot line or any lot or tract of land that includes a gate, hedge, wall or trestle, or a frame of wood, iron or other material.
- 2) No fence of any type or material whatsoever shall be erected or constructed without obtaining a permit from the Zoning Officer. This shall also apply to hedges.
- 3) Fences or hedges shall not exceed four (4) feet in height along the front yard up to the main body of the house, (excluding the front porch). All fences shall be properly supported and braced and shall have a gate opening not less than three (3) feet in width, and shall not be electrically charged, spiked or barbed wire.
- 4) All fences shall be symmetrical in appearance, posts separated by identical distances and fencing conforming to definite pattern and size of uniform design, separation, and at least fifty (50%) percent of open construction. The same shall be kept in good repair, regularly painted, good appearance and clean condition. The finished side of all fences and walls shall be constructed to face toward the adjacent property. No solid fence shall be permitted.
- 5) No fence or growth shall be maintained on any corner lot which will obstruct the view of motorists or pedestrians.
- 6) All hedges shall be properly cut, trimmed, maintained, and shall not exceed the height limitations herein set forth for fences.

- 7) No fence of chain link, barbed wire, razor wire or similar material is permitted. (Ord. 6/26/79 §I; Ord. No. 2013-03)
- B. The zoning determination has interpreted from the ordinance that height of fencing and hedges be measured from the sidewalk height. This measurement does not address the grade changes associated with the existing masonry wall along the property frontages.
- 1) The masonry wall has been altered since aerial imagery from google maps in August 2013. The wall from 2013 appears to be three steps approximately  $\pm 2$  feet (0.67 feet per step). The property area in question appears to be filled in prior to the current plantings. Utilizing the existing 2013 wall and ground heights, the Applicant would be allowed plants on top of the wall at a maximum height of two (2) additional feet. However, the Applicant has regraded the site to an elevation of four (4) feet along the sidewalk with additional plantings at 42" to 48" inches in height. This has created a total fence height within the front yard at 7 ½ feet. **A variance is required** under Ordinance 26-5.2(3) since it exceeds four (4) feet.

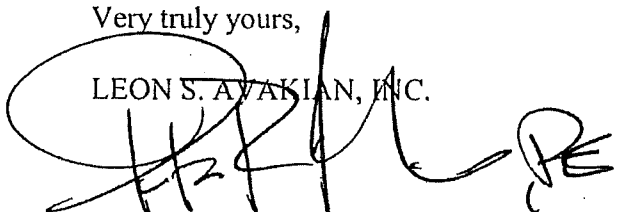
**Testimony shall be provided** along with detail grading testimony to explain actual wall heights, land slopes, and planting heights. We recommend a cross section diagram be presented to the Board to fully understand all heights including how the heights relate to the sidewalk for both current and prior grading.

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

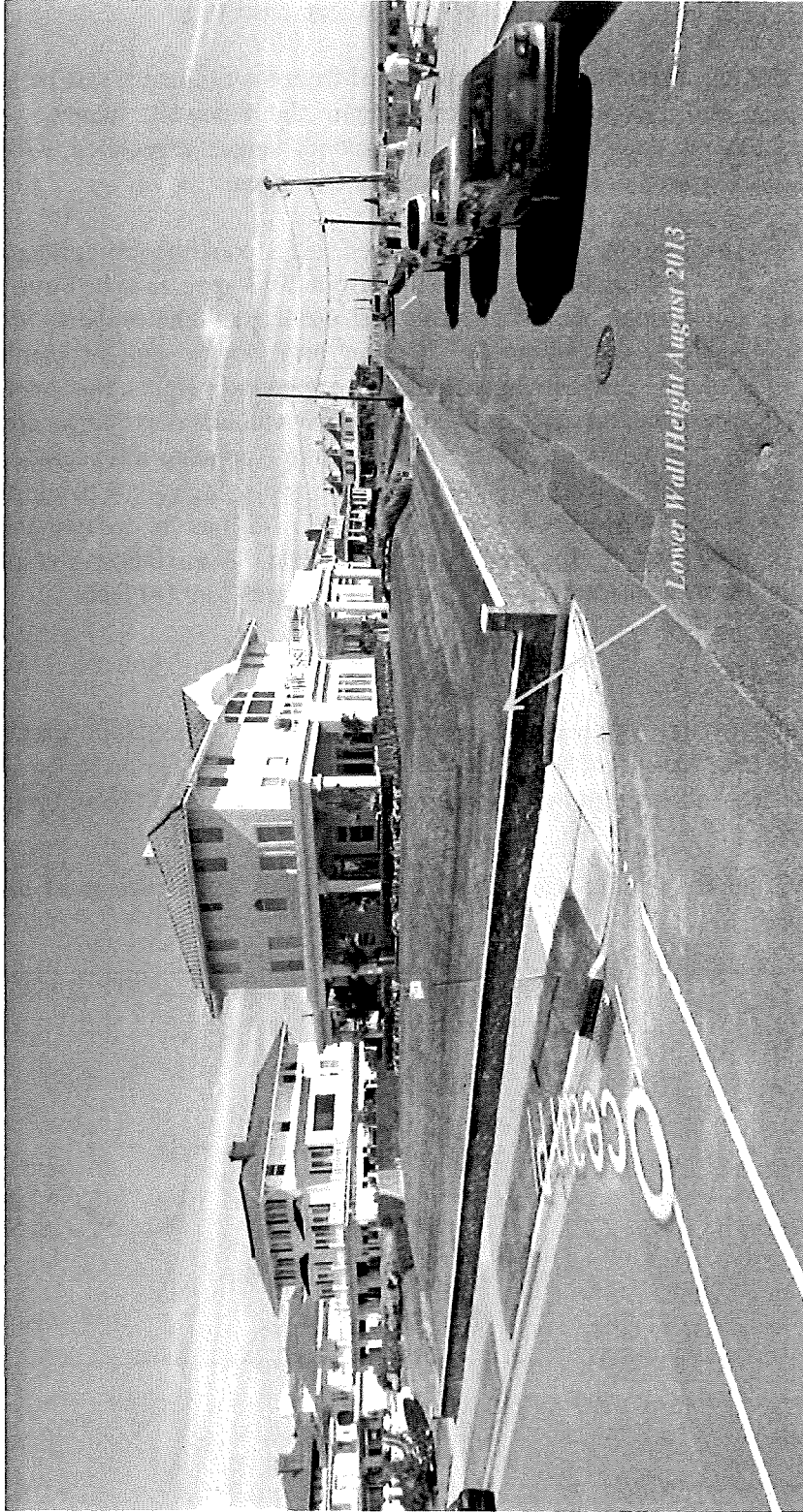
Should you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.

  
Peter R. Avakian, P.E.  
Board Engineer

MM:mcs  
cc: Alison Gavin, Board Secretary  
Erik Anderson, Esq., Board Attorney  
Amanda M. Curley, Esq., Applicant's Attorney  
ALPB 19 19-13



## Borough of Allenhurst – Google Maps

*1 Spier Avenue*

*Lot 5 Block 36*

*Chera Residence*

**LEON S. AVAKIAN, INC.**  
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**LSA**