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MEMORANDUM

To: Sea Isle City Zoning Board of Adjustment

From: Andrew A. Previti, P.E., Municipal & Board Engineer

Date: January 27, 2020
August 31, 2020 Update

Re: Michael L. & Linda A. Deluca – Variance Application
6604 Landis Ave North Unit - Block 66.03 Lot 332
R-2 Two Family Residential Zoning District
City of Sea Isle City, Cape May County, NJ
MC Project No. SIZ161

I. Background

The applicants have submitted an application for Hardship “C” Variances. The property in question is known as block 66.03 lot 332 and is located at 6604 Landis Avenue. The parcel has fifty-five (55’) foot of frontage on Landis Avenue and a lot depth of one hundred (100’) feet and a lot area of five thousand five hundred (5,500s.f.) square feet. Therefore, the lot is an existing conforming lot. The property is a three (3) story duplex structure.

The application submitted is proposing to construct a ten foot by fifteen foot (10’ x 15’) inground pool and a semi-pervious patio surrounding the pool area.

In addition to the Code Requirements of the R-2 Zoning District found at 26-46, the proposed accessory use is also subject to the code requirements of Code Section 26-26.7, Swimming Pools and Code Section 26-27.7, Building Setbacks for Accessory structures.

The application has been accompanied by the following documents which have been submitted for review:

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
C-1	Variance Plan 6604 Landis Ave.	Dante Guzzi, P.E.	1/7/2020	8/18/2020
SV-1	Plan of Survey 6604 Landis Ave.	Robert E. Lee, P.L.S.	12/19/2019	---



The application will require variances as noted in the Variance Chart below.

VARIANCE CHART

<u>Parameter</u>	<u>Required or Permitted</u>	<u>Proposed</u>	<u>Variance</u>	<u>Code Section</u>
1. Min. Rear Yard Setback Principal Structure	20 ft. ENC	19.8 ft.	0.2 ft.	26-46.6
2. Setback from Accessory Structure To Principal Structure	10 ft.	4.8 ft	5.2 ft.	26-27.7a
3. Accessory Structure (Patio) Setback in Rear Yard	5 ft	0 ft.	5 ft.	26-46.6
4. Impervious Coverage	75%	78.5 %	3.5 %	26-36.a

ENC=Existing Non-Conformity

STATUS: Code Section 26-36 allows for a five (5%) percent increase in the allowable impervious coverage if a recharge system is included as part of the project. The applicants revised plans reflect such a system and therefore the Required or Permitted impervious coverage would be increased to 75%.

I have reviewed the recharge system and find it acceptable. I have asked the design engineer to label the size of the pipe from the area drain to the main recharge pipe to make it clearer on the plans and have also asked for clarification as to how the pipes will be connected.

II. Determination for Completeness

I would advise the Board that this application could be deemed complete for review in my opinion. However, the applicant must clarify certain areas which are mentioned in this report and the plans should be revised accordingly.



III. Comments

1. The application as submitted will require variances as listed in the Variance Chart.

STATUS: Comment Continues

2. Code Section 26-26.7 address the requirements for swimming pools and this section requires a seventy-two (72”) inch high fence. The submitted plans indicate an existing vinyl fence and my site visit indicates that this is a six (6’) foot high fence as an existing fence. The Variance Plan should be revised to reflect the fence height and also to illustrate the location of the existing gate.

STATUS: Satisfied.

Fences around pools require a lockable, self-locking gate. The engineer and/or the applicant should provide testimony that the existing gate is a self-locking gate

STATUS: Satisfied by testimony.

3. Code Section 26-27.7 addresses building setbacks for accessory structures and this is also addressed at Code Section 26-46. Code Section 26-27.7.a relative to setbacks from the main building requires a 10-foot setback. The proposed setback for the pool would be 4.8 feet. This will require a variance as noted in the Variance Chart.

STATUS: Comment Continues. Variance Necessary

4. The plans indicate that a semi-pervious paver patio will be constructed around the pool area. This patio will require a variance for the required five-foot rear yard setback for patios since a zero rear yard setback is proposed.

STATUS: Comment Continues

5. The application does not address the landscape requirements of Code Section 26-25. The applicant should provide testimony concerning existing landscaping at this property and a determination should be made if landscape requirements have been satisfied. Code Section 26-25 requires that a duplex property have two (2) street trees, two (2) on-site trees and twenty (20) shrubs.

STATUS: Satisfied. Plan has been revised to reflect existing and proposed trees & shrubs.

6. A grading plan should be provided which illustrates how runoff from the pool area will be directed toward the street and not impact adjacent properties.



STATUS: Satisfied

7. The building is equipped with gutters and downspouts.

STATUS: Comment Continues

8. The plan indicates that proposed pool equipment will be mounted above the shower. This equipment must be above the City's base flood elevation of 11.0. This should be indicated on the plans.

STATUS: Satisfied

9. This review is limited to the proposed pool which is the subject of this application.

STATUS: Comment Continues

10. The Variance Plan is requesting variances for the patio for side yard setback as well as aggregate side yard setback. However, the pool patio is actually in the twenty (20) foot rear yard area and not in the side yard area, therefore, side yard variances are not necessary since the walkways in the side yard are not considered patios.

The application on Drawing C-1 also indicates a request for a variance for an accessory coverage for the pool and patio. The pool should be considered in the calculation for accessory coverage, however the patio should not since the patio is actually taken into account under the impervious coverage requirements. Therefore, the variance for accessory coverage is also not necessary.

The Schedule of Area and Yard Requirements on Drawing C-1 should be revised to reflect that side yard setback and aggregate side yard setback as well as accessory coverage variances are not necessary.

STATUS: Satisfied

11. The Schedule of Area and Yard Requirements on Drawing C-1 indicates that the impervious coverage permitted is 90%. This is inaccurate for the R-2 Zone which only permits 70% impervious coverage. Therefore, since the proposed impervious coverage is 80.1% this would exceed the 70% allowed and a variance will be necessary as noted in the Variance Chart. The Schedule of Area on Drawing C-1 should be revised accordingly to reflect this.

STATUS: The plans have been revised to reflect the allowable impervious coverage in the R-2 District. I previously noted that an increase in allowable impervious coverage to 75% in the R-2 District is permitted if a recharge



system is being proposed. Such is the case and the review by the Board should reflect an allowable impervious coverage of 75% with the recharge system being proposed.

Recommendations

1. The applicants and their professionals should provide testimony as to why the Board should grant the variances applied for.
2. The plans submitted should be revised to reflect the comments contained in this report as well as any additional comments that the Board may have.
3. The Board has the discretion to grant or deny the requested variances. The Board Solicitor will advise you relative to this issue.

A handwritten signature in blue ink that reads 'Andrew A. Previti'.

Andrew A. Previti, P.E.
Municipal & Board Engineer

AAP/dpm

cc: Genell Ferrilli, Board Secretary (via email)
Christopher Gillin-Schwartz, Attorney (via email)
Cornelius Byrne, Construction Official (via email)
Gail Snyder, Construction Office (via email)
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