



Engineers
 Planners
 Surveyors
 Landscape Architects
 Environmental Scientists

500 Scarborough Drive, Suite 108
 Egg Harbor Township, NJ 08234
 T: 609.910.4068
 F: 609.390.0040
 www.maserconsulting.com

MEMORANDUM

To: Sea Isle City Zoning Board of Adjustment

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

Date: September 1, 2020

**Re: Linda Lamb – Variance Application
 4434 Venicean Road - Block 44.05 Lot 117
 R-2A Two Family Residential District – Bay Area
 City of Sea Isle City, Cape May County, NJ
MC Project No. SIZ168**

I. Background

The applicant has submitted an application for Hardship and Flexible “C” Variances. The property in question is known as Block 44.05, Lot 117 and is located at 4434 Venicean Road. The property is located in the R-2A Two Family Residential Zoning District – Bay Area and fronts on Ludlam’s Thorofare.

The property has a frontage of thirty (30’) feet on Venicean Road. The lot depth is variable relative to actual ownership, lands rented from the State of New Jersey and the deeds. Based on the survey the lot has an average depth of eighty-seven point two (87.2’) feet, while the deed calls for a depth of one hundred thirty (130’) feet. The applicant does not actually own the land which lies behind the bulkhead for a depth of four point five (4.5’) feet and this is part of the Tidelands License. There does not appear to be a Tidelands License for anything out beyond the bulkhead.

The following is a summary of the impact of the varying lot depths has on the actual lot area of this lot:

<u>Source</u>	<u>Lot Width</u>	<u>Lot Depth</u>	<u>Lot Area</u>
1. Deed	30’	x 130’	3,900 s.f.
2. Tax Map	30’	x 108.5’ average depth	3,255 s.f.
3. Survey – Upland Area Including Tidelands License	30’	x 91.7’ average depth	2,751 s.f.
4. Actual Ownership	30’	x 87.2’ average depth	2,616 s.f.



The City’s policy has been to include area in the water as part of a lot area for those lots located along the interior lagoons. The City’s right of way only extends to the deed limit of the interior lots. However, in this case the City does not have a right of way in Ludlam’s Thorofare and the Board will have to make a determination as to what the actual lot depth and lot area for this lot would be. It does not appear that the lot is 3,900 s.f., based on the deed, and which has been used by the architect to calculate parameters such as Impervious Coverage and Floor Area Ratio.

The applicant is proposing to demolish an existing duplex on the property and construct a new duplex. Code Section 26-20.3, Other Lots, would be applicable here since it appears that the lot area is less than 5,000 s.f. Under these circumstances the lot in question would be considered a substandard non-buildable lot. Therefore, the applicant will need a variance from the code requirements of Code Section 26-20.3 and the Board has determined that this would be a “C” Variance since the use in question and which is being proposed is a permitted use in this zoning district.

The applicant is proposing to demolish the existing two-story, two-family framed residence and construct a new four-story structure at this location. The ground floor would consist of a garage area and would house the proposed elevators and residential use would be on the three upper floors. The proposed structure would consist of a two-family dwelling and deck areas would be constructed along the waterfront portion of the property.

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>
P-1	Floor Plans & Site Plan	Blane Steinman, R.A.	8/7/20	---
P-2	Elevations	Blane Steinman, R.A.	8/7/20	---
3521-D	Plan of Survey	Mark J. Gibson, PLS	5/27/20	---

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. Building on lot Less than 3,500 s.f. (Non-Buildable Lot)	Not Permitted	Two-Family Dwelling	Two-Family Dwelling on Non-Buildable	26-20.3 & 26-20.2



VARIANCE CHART Cont'd Lot

2. Min. Lot Area	4,750 s.f. ENC	3,255 s.f. (see Note1)	1,495 s.f.	26-47.7a
3. Min. Lot Width	50 ft. ENC	30 ft.	20 ft.	26-47.7a
4. Aggregate Side Yard Setback	15 ft.	10 ft.	5 ft.	26-47-5a

ENC=Existing Non-Conformity

Note 1: This lot area is based on tax map dimensions.

II. Determination for Completeness

This application will require some discussion for the Board relative to what is the actual area owned by the applicant and what is the lot area that can be utilized in calculating parameters such as Floor Area Ratio and Impervious Coverage. However, the application is sufficiently complete to proceed to a Board hearing.

III. Comments

1. The proposed project would not meet the use limitation of a single-family home on a lot less than 5,000 s.f. as required by Code Section 26-20.2, and would actually not meet the requirements of Code Section 26-20.3 Other Uses, which addresses substandard non-buildable lots less than 3,500 s.f. if the Board were to consider this lot to have a lot area of less than 3,500 s.f. This is an existing non-conforming condition; however, the demolition of the existing structure requires the applicant to comply with the code and since compliance is not proposed a variance from both Code Sections 26-20.2 and 26.20.3 will be necessary.
2. The plans do not address the landscape requirements of Code Section 26-25. This code section requires twenty (20) shrubs, two (2) on-site trees and two (2) street trees for the proposed duplex development. Plans should be revised or variances requested.
3. A note should be added to the plan that the building will be equipped with gutters and downspouts.
4. The plans indicate a proposed twenty-nine (29') foot wide driveway. Code Section 26-23.4 addresses driveway but limits standards to conforming lots. Since the property in question is not a conforming lot there are no standards for driveway width.



I would recommend that the driveway width be reduced to sixteen (16') feet which should be adequate to provide access to the garage area as well as to the two parking spaces which would be located outside of the garage.

5. The architect should address whether the existing water and sewer services to the existing duplex will be utilized or if new services will be required. A note should be added to the plans relative to this issue.
6. The First Floor Plan on Drawing P-1 indicates a garage area which would be utilized by both units I assume. **A note should be added to the plans that the garage areas is to be used for parking only and that storage is prohibited for all areas below the Base Flood Elevation.**
7. The Zoning Chart under the Regulations for the R2A District should include a parameter for lot depth which would be ninety-five (95') feet.
8. The applicant is proposing what appears to be a garage door at the rear of the property. The board has required in previous applications that this be limited to a "people door" and that garage doors not be permitted. The garage door would encourage storage of materials in the garage which would be below base flood elevation.
9. The land surfaces of the areas outside of the proposed building should be noted on the plans including whether the parking areas are to be concrete or some other surface such as pavers. The land area of any landscape areas outside of the building should also be indicated.
10. Variances may be necessary for impervious coverage and Floor Area Ratio depending on upon the Boards determination of the actual lot area for this lot.
11. The elevation sheet, P-2, should be revised to indicate that the City's designated flood elevation is Elevation 11 not 110.
12. Any action taken by the Board should be conditioned on the improvements being constructed in accordance with the requirements of Chapter 14 and all FEMA regulations as required by City Code.

IV. Recommendations

1. The applicant and her professionals should provide testimony as to why the Board should grant the variances applied for. The Board must make a determination concerning the actual lot area of this lot.
2. The plans 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 variances as requested or could grant some of the variances while denying others. 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)
Andre Cipaldo, Director of Public Works (via email)
Mary Romano, Safety Officer (via email)
Jeffrey P. Barnes, Esquire (via email)
Blane Steinman, RA (via email)
Mark J. Gibson, PLS, Gibson Associates (via email)
Linda Lamb (via email)

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