

Memorandum

To: Sea Isle City Zoning Board of Adjustment

From: Andrew A. Previti, P.E.

Date: February 12, 2025

Subject: Ocean's Edge Condominium Association – Variance Application
3400 Boardwalk
Block: 34.01, Lots: 5, 6.01, 12, & 13.01
R-2 Two Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0260

I. Background

The applicants have submitted an application for Hardship and Flexible "C" variance relief along with a request for variance relief from Code Section 26-17.4 - Non-Conforming Uses and Structures. This variance relief would be a "D-2" variance. The property in question is known as Block 34.01, Lots 5, 6.01, 12 & 13.01 and is located at 3400 Boardwalk between 34th Street and 35th Street. The property is located in the R-2 Two-Family Residential Zoning District and supports a three (3) story, 24 unit multi-family building which is a non-conforming use in the R-2 District.

The property in question has two hundred twenty foot (220') of frontage on the Sea Isle City Promenade and one hundred five foot (105') of frontage on 34th Street. The property also has one hundred five foot (105') of irregular frontage on 35th Street and the property includes a portion of a vacated portion of Pleasure Avenue. The property was original developed in the 1970's after being acquired from the Sea Isle City Urban Renewal Development Agency. The existing multi-family building was not the original use at this property but was constructed some time later. The existing multi-family building is a non-conforming use and structure in the R-2 District.

The applicant is seeking multiple variance relief which will be discussed and is proposing the following:

- A. Extend existing second story HVAC platforms to six point zero (6.0') feet and six point two (6.2') feet (to be in line with the elevator tower and stair towers). Storage is to be provided below these extended platforms.
- B. Install new vinyl railings leading from condominium building to promenade offset six (6) inches from the existing railings (this improvement is entirely within the Promenade Right-of-Way).
- C. Remove the existing exterior stairs adjacent to the elevator shaft and replace with a vertical wheelchair lift within the footprint of the stairs.

The above is as noted in General Note 14 found on Sheet 1 of the application documents submitted.

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>
1 of 2	Zoning Variance Plan	Louis A. Scheidt, PE & William F. Seaman, PLS	9/18/2024	---
2 of 2	Zoning Variance Plan, Plan of Survey & General Notes	William F. Seaman, PLS	9/18/2024	---

Variances are required for this project 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. Use	Single Or Two Family Dwelling	24 Unit Residential Building (Existing)	Expansion of a Non-Conforming Use	26-17.4 & 26-46.1
NOTE: D2 Variance Relief Required				
2. Front Yard Setback (34 th St.)	15 Ft. ENC	1.7 Ft.	13.3 Ft.	26-46.4
3. Side Yard Setback	5 Ft. ENC	0 Ft	5 Ft.	26-46.5.a
4. Rear Yard Set Back (35 th St.)	20 Ft. ENC	5.9 Ft.	14.1 Ft.	26-46.6
5. Building Lot Coverage	35% ENC	94.2%	59.2%	26-46.9
6. Impervious Coverage	70% ENC	95.1%	25.1%	26-36.a
7. Parking Spaces	48 Spaces (2 Per Unit) ENC	21 Spaces	27 Spaces	26-23.8.a

8. Floor Area Ratio	80% ENC	134.0%	54%	26-46.10.a
9. Storage Below Design Flood Elevation	Not Permitted	Proposed	Storage Below Base Flood Elevation	14-1001.4

Note: The requirements of Code Section 14-107 Variances must be met by the applicant. The Zoning Board must be guided by the requirements of Code Section 14-107.5 Considerations and 14-107.6 Conditions for Issuance.

ENC = Existing Non-Conforming Conditions

Variance No. 9 in the variance chart above will require variance relief from the requirements of Chapter 14 – Flood Damage Prevention. Code Section 14-107 addresses variances and is very specific as to the criteria necessary for requesting a variance as well as the criteria that the Zoning Board of Adjustment must use in evaluating a request for variance relief from Chapter 14. Code Section 14-107.1 General indicates that the Zoning Board shall base its determination on technical justification submitted by the applicants, the considerations for issuance in Subsection 14-107.5, the conditions of issuance that are set forth in Subsection 14-107.6 and the comments and recommendations of the Flood Plain Administrator and as applicable, the construction official. One of the specific conditions for issuance found at Code Section 14-107.6.a.5 is as follows:

5. Notification to the applicant in writing over the signature of the Flood Plain Administrator that the issuance of the variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance, and that such construction below the base flood level increases risks to life and property.

II. Determination for Completeness

The application is technically complete. However, it is my opinion that the applicant should provide additional information relative to the request for variance relief from the requirements of Chapter 14, either as testimony or factual information submitted in narrative form. I also think that there will be a need to seek permission from the City to replace railings on the walkways which are in the Promenade Right-of-Way and I will address this in the report. This permission could be a condition of any approval which the Board may grant, alternatively, the Board may wish to have this information and approval from the City beforehand.

III. Comments

1. Variances are necessary for this project as noted in the Variance Chart. Many of the variances are existing non-conforming conditions however, Variance No. 1, expansion of a non-conforming use and structure and Variance No. 9, storage below the design flood elevation are variances which are necessary due to the proposed improvements.

2. An elevation view of the existing and proposed HVAC platforms should be provided. The elevation of the platforms, existing and proposed, should be shown. The platforms should be above the Local Design Flood Elevation which in this area is Elevation 12.0 (NAVD 1988). If the platforms are below this elevation, additional variance relief will be necessary.
3. General Note 4 on Sheet 1 recites a description of the parcel which is the subject of this application and the documents which were used to preform the survey. General Note 5 on Sheet 1 indicates that a title report was not provided as a basis for the survey. Note 4 refers to a utility easement which is shown on the plan. There is an additional access easement which is not shown on the plan and which the property is subject to based on a Special Warranty Deed issued by the Sea Isle City Urban Renewal Agency to the original developers of this parcel. I will provide Gibson Associates with a copy of that Special Warranty Deed which includes a description of this access easement. This access easement should be shown on the Plan of Survey and the Variance Plan.

It appears that the existing trash enclosure has been constructed within the Access Easement.

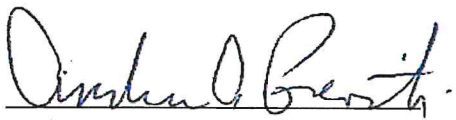
4. The application is proposing to install new vinyl railings on the walkways which lead from the condominium building to the Promenade. These walkways extend from the building to the physical Promenade and cross a public right of way. The City has no record granting permission for the original construction of these walkways (8 in number); therefore, the applicant should seek permission from the city for the proposed improvements to the railings of the walkway. The placement of these walkways within the public right of way has been an issue for the City since it has no record of permission being granted for same. I am advising the Zoning Board of this in lieu of request to modify the walkways.
5. The Board's consideration of the requested variance relief from Code Section 14-1001.4 to store items below the Base Flood Elevation will require review of comments and recommendations of the Flood Plain Administrator and Construction Official as required by Code Section 14-107.1. The Board should review any report which the Flood Plain Administrator and/or Construction Official provides.
6. The applicants should provide testimony concerning the existing landscaping and what variance relief would be necessary. This is an existing non-conforming condition and no landscaping is being proposed.
7. The Zoning Schedule on Sheet 1 should be revised under the description column to reflect aggregate side yard setback not accessory side yard setback.
8. Any action taken by the Board should be conditioned on the improvements being constructed in accordance with Chapter 14 – Flood Damage Prevention Ordinance and all FEMA regulations required by the City. The applicant is seeking variance relief from the requirements of Chapter 14 in order to construct an enclosed storage area below the base flood elevation.
9. **If this application is approved in part or in whole and following memorialization of the Board's action in a resolution the design professionals should revise the plans as necessary**

and provide me with an electronic copy for review. If the plans have been revised to satisfy the comments contained in this memorandum as well as any conditions imposed by the Board then seven (7) signed and sealed sets should be sent to my office for signature.

Construction permits will not be issued until plans signed by the Board Chairperson, Secretary and Engineer are on file with the Construction Official.

IV. Recommendations

1. The applicants and their professionals should provide testimony as to why the Board should grant the variance relief 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 any of the variances as requested or could decide to grant some of the variances while denying others. The Board Solicitor will advise you relative to this issue.
4. **The criteria which must be used in evaluating the variance relief requested from Chapter 14 to construct an enclosed storage area below the base flood elevation differs from the requirements for variance relief under the Zoning Code – Chapter 26. The Board Solicitor will advise you relative to this issue.**



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

AAP/dpm

cc:

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George Savastano, Business Administrator (via email)
Genell Ferrilli, Board Secretary (via email)
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