

## Memorandum

To: Sea Isle City Zoning Board of Adjustment

From: Andrew A. Previti, P.E.

Date: February 17, 2025

Subject: Edward C. Partridge & Marie Therese Partridge – Variance Application  
5609 Central Ave.  
Block: 56.03, Lot: 1455  
R-2 Two Family Residential Zoning District  
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0263

### I. Background

The applicants have submitted an application for Hardship and Flexible "C" variance relief. The property in question is known as Block 56.03, Lot 1455 and is located at 5609 Central Avenue. The property is located in the R-2, Two Family Residential Zoning District.

The property in question has fifty-five (55) foot of frontage on Central Avenue and lot depth of one hundred (100) feet. Therefore, the lot area is five thousand five hundred (5,500) square feet and is a conforming lot in the R-2 Zoning District. The property supports a two-family duplex structure and the applicants are the owners of the southern unit.

The application is proposing to construct a ten (10) foot by nineteen point five (19.5) foot inground swimming pool in a portion of the rear yard. The rear yard of the overall property would be divided by a proposed six (6) foot high vinyl fence and the rear yard of the southern unit would thus measure twenty one (21) feet in depth and twenty-seven point five (27.5) feet in width.

In addition to the requirements of the R-2 Zoning District at Code Section 26-46, the proposed pool use is also subject to the requirements of Code Section 26-26.7, Swimming Pools and Code Section 26-27.7, Building Setbacks From Accessory Structures.

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

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
1 of 1	Pool Variance Plan	Gregory K. Schneider, PE, PLS	11/20/2024	---

Variances are required for this project as noted in the Variance Chart below.



**VARIANCE CHART**

<b><u>Parameter</u></b>	<b><u>Required or Permitted</u></b>	<b><u>Proposed</u></b>	<b><u>Variance</u></b>	<b><u>Code Section</u></b>
1. Setback from Main Building to Accessory Structure (pool)	10 ft.	5 ft.	5 ft.	26-27.7a
2. Accessory Structure Rear Yard Setback (Shed)	5 ft. <b>ENC</b>	2.1 ft.	2.9 ft.	26-46.6
3. Aggregate Side Yard Setback	15 Ft.	14 Ft.	1 Ft.	26-46.5.a

**ENC = Existing Non-Conforming Conditions**

**II. Determination for Completeness**

This application is technically complete. The plans will require revisions to satisfy the comments contained in this report. However, the application could proceed to a hearing.

**III. Comments**

1. Variances are necessary for this project as noted in the Variance Chart. The variances required are necessary due to what is being proposed with the only exception being the variance for the accessory structure setback from rear yard for the existing shed which is on the northern side of the property in question.

I have listed the need for a variance from the Aggregate Side Yard Setback since the existing HVAC platforms for each duplex unit are setback approximately seven (7) feet and would have a total of fourteen (14) feet and fifteen (15) feet is required. I have not listed this as an existing non-conforming condition since the application is proposing to build a separate platform for the pool equipment adjacent to the HVAC platform and this would exacerbate the aggregate side yard setback condition. Therefore, this would be a new variance for not conforming to the aggregate side yard requirements of fifteen (15) feet.

One of the variances necessary would be the requirement that the swimming pool as an accessory structure be located ten feet from the main building. The proposed pool would be setback from the main building by a distance of five (5) feet as shown on the plan submitted and this will require variance relief.

2. Code Section 26-26.7 addresses the requirements for swimming pools and this section requires a seventy-two (72) inch fence around the swimming pool. The plans indicate that a six (6) foot high fence would be proposed with a self-latching gate. The proposed fence would conform to code requirements.

The submitted plans indicate that this fence is being proposed and also indicates that a Belgian block landscape border would be utilized to prevent runoff onto adjacent properties. This is acceptable, however, the plans should indicate that the proposed six (6) foot high fence be located as close as possible to the property line in order to maintain the required four (4) foot wide planted green space and a two (2) foot wide solid surface around the pool in the rear yard area.

3. The proposed landscaping is generally acceptable. The construction official may require additional landscaping as part of a condition of issuing a building permit since the existing duplex does not currently meet landscape requirements of the City Code.
4. The Zoning Chart should be amended to include the requirements for aggregate side yard setback which is fifteen (15) feet and should note the need for variance relief. The accessory structure rear yard setback should also be added to the chart and should also indicate the need for a variance for the existing shed.
5. We have reviewed the stormwater management plan and calculations which are part of the plans submitted and will have comments concerning the calculations in the plan itself as follows:

**A. Stormwater Calculations**

1. The calculations as submitted are generally acceptable.
2. Percolation capacity is not permitted and should be removed from the plans.

**B. Stormwater Plan**

1. The Stormwater Recharge System Detail should be revised to indicate the type of filter fabric to be used. Mirafi 140N is an acceptable material. The depth of the recharge trench should also be noted. The calculations indicate a two-foot (2) depth and this should be noted on the detail.
2. Direct connection to the proposed recharge trench should be made from the downspout system. I am requiring this since contractors have difficulty in grading relatively flat lots and also due to their inexperience in doing this type of work. The existing building only has gutters and downspouts in the front of the building. Therefore, the options available would be to add a gutter and downspout system at the rear of the building or, connect the existing downspout system at the front of the building to the recharge trench via an

underground connection pipe. The choice would be up to the owner and their engineer.

6. I have the following comments concerning the proposed pool area:
  - a. The pool is proposed to have a five (5) foot setback from the main building where ten (10) feet is required. This would satisfy the new standards which have been developed by the City relative to setback from the main building or stairs or deck. However, the variance is still necessary from the Code requirements.
  - b. The plans should clearly label the type of surface for the two (2) foot wide area which will surround three (3) sides of the pool. This should be a hard surface.
  - c. An existing fence encloses an area which is a storage area for trash cans. The fence should be relocated so that there is a continuous two (2) foot wide hard surface around the entire pool area.
7. A note should be added to the plans that the pool contractor is to contact the municipal engineer to setup a pre-construction meeting prior to construction. **This should be a specific condition of approval.**
8. Any action taken the by 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.
9. **If this application is approved and following memorialization of the Board's action in a resolution the design professional should revise the plans as necessary and provide an electronic copy to me 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 along with a cost estimate for on-site improvements.**

**Construction permits will not be issued until plans signed by the Board Chairperson, Secretary and Engineer are on file with the Construction Official and the necessary inspection fees have been posted. It will also be necessary for the pool contractor to contact the Municipal Engineer to set up a time for a pre-construction meeting for this project. This should also be a condition of approval.**

#### IV. Recommendations

1. The applicants and their professional 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.



Engineering  
& Design

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. **A condition of approval should be the requirement to have a pre-construction meeting prior to the start of construction.**

A handwritten signature in black ink, appearing to read "Andrew A. Previti".

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

AAP/dpm

cc: Genell Ferrilli, Board Secretary (via email)  
Chris Gillin-Schwartz, Planning Board Solicitor (via email)  
Cornelius Byrne, Construction Official (via email)  
Mariah Rodia, Construction Clerk (via email)  
Edward C. Partridge & Marie Therese Partridge, 328 Foxtail Lane, Newtown Square, PA 19073  
Donald A. Wilkinson, Esquire (via email)  
Gregory K. Schneider, PE, PLS

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