

## Memorandum

To: Sea Isle City Zoning Board of Adjustment

From: Andrew A. Previti, P.E.

Date: October 23, 2024

Subject: 5816 Sounds Avenue Condominium Association  
5816 Sounds Avenue  
Block: 58.05 Lot: 1  
R-2 Two-Family Residential Zoning District  
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0256

### I. **Background**

The applicant has submitted an application for a D4 variance for an increase in permitted floor area ratio. The application also includes a request for Flexible "C" variance relief from various requirements of the R-2 District.

The property is located in Block 58.05, Lot 1 and is located at 5816 Sounds Avenue at the corner of Sounds Avenue and 59<sup>th</sup> Street. The property is located in the R-2 Zoning District. The property has one hundred point four zero (100.40) feet of frontage along Sounds Avenue and eighty-nine point six two (89.62) feet of frontage along the combination of the Right-of-Way of 59<sup>th</sup> Street and Lots 1.04 and 1.05 which are City owned properties. Lot 1.04 supports an existing 59<sup>th</sup> Street fishing pier. This parcel has a lot area of five thousand three hundred twenty nine (5,329) square feet and meets the minimum lot area requirement of five thousand (5,000) square feet of the R-2 Zoning District.

The property supports an existing two (2) family structure. The application is proposing to construct a twenty (20) square foot second floor addition and a one hundred nine (109) square foot third floor addition at the existing two (2) unit residential condominium. The additions are limited to Unit 1 which is the southern most unit and is adjacent to 59<sup>th</sup> Street. The expansion of the unit would be onto existing decks on the second floor and the third floor and also includes a new window seat on the second floor and a bump out encroachment at a renovated bedroom on the third floor.

An application for this site was previously submitted in 2016 which proposed an increase in the permitted floor area ratio from what was noted then as a pre-existing condition of point eight eight (.88) to a proposed floor area ratio of point nine four two four (.9424) to permit a total expansion of three hundred twenty nine (329) square feet. Zoning Board of Adjustment Resolution Number 2016-09-01 memorialized the application and denied the request for floor area ratio relief as well as relief from minimum rear yard setback requirements. The applicant's attorney has included a copy of this resolution in the current application package.

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>
P1	Proposed Floor Plans	Blane E. Steinman, RA	8/15/2024	---
P2	Proposed Elevations	Blane E. Steinman, RA	8/15/2024	---
SU1	Existing Floor Plans	Blane E. Steinman, RA	8/15/2024	---
SU2	Existing Elevations	Blane E. Steinman, RA	8/15/2024	---

The application will require variance relief 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. Max. Floor Area Ratio	0.80 (80%)	0.885 (88.5%)	0.085 (8.5%)	26-46.10
<b>Note: D4 Variance Relief Required</b>				
2. Min. Rear Yard Setback	20 ft. <b>ENC</b>	9ft -7Inches	10 ft. 5 inches	26-46.6
3. Min. Front Yard Setback (59 <sup>th</sup> St.)	15 ft. <b>ENC</b>	10ft. 5 inches	4 ft. 7 inches	26-46.4
4. Min. Side Yard Setback	5 ft. <b>ENC</b>	3ft. 6 inches (Deck)	1ft. 6 inches	26-46.5a
5. Min. Front Yard Setback (59 <sup>th</sup> )	15 ft.	12ft. 8 inches (New Addition)	2 ft. 4 inches	26-46.4
6. Number of Parking Spaces	8 spaces	4 spaces	4 spaces	26-23.8a
7. Stacked Parking	2 spaces <b>ENC</b>	3 spaces	1 space	26-23.8a

**ENC=Existing Non-Conforming Conditions**

**II. Determination for Completeness**

I would advise the Board that this application is complete for review relative to the variance relief which will be necessary in order to construct the building additions. However, there will be a need for some revisions to the submitted plans as will be discussed in Section III below.

### III. Comments

1. The variance required for this project are listed in the variance chart.

Variance Nos. 2, 3, 4 & 7 are for existing non-conforming conditions. Variance No 1 relative to an increase in the maximum floor area ratio is a new variance and is self-explanatory. Variance No. 5 is listed as a new variance since the building itself will encroach into the front yard off of 59<sup>th</sup> Street. Variance No. 6 relative to the number of parking spaces is being exacerbated by the proposed increase in floor area. The Zoning Chart on Drawing P1 indicates that six (6) parking spaces are required, and this is not correct. If the floor area ratio exceed point eight five (.85) then four (4) parking spaces per unit are required which would require a total of eight (8) spaces.

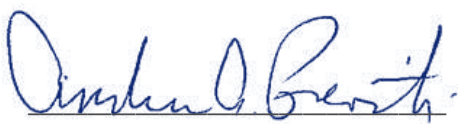
2. The Zoning Chart on P1 requires correction as follows:

- a. The maximum building height should be noted as thirty one (31) feet above LDFE and not thirty-two (32) feet. The existing conditions column and the proposed conditions column relative to building height should indicate a distance above elevation 12 which is the Local Design Flood Elevation required for the flood zone in which the property is located. The chart should be revised accordingly and the building elevations on Drawing P2 should be revised accordingly to reflect a building height as measured from elevation 12 not elevation 11 as noted on the plan.
  - b. The lot frontage for existing conditions column indicates one hundred thirty one point four (131.4) feet. This is incorrect and should be revised to reflect the actual street frontage along Sounds Avenue.
3. The 2016 application indicated that the existing floor area for the building was four thousand six hundred ninety eight (4,698) square feet or eighty eight (88) percent. The current plan indicates that the existing floor area is four thousand five hundred eighty six (4,586) square feet or eighty six (86%) percent. The architect should address how the floor area was reduced from the 2016 plan to the current plan.
  4. The 2016 application indicated that the impervious lot coverage existing was three thousand eight hundred seventy five (3,875) square feet or seventy two (72) percent. The current application indicates that the impervious lot coverage is three thousand six hundred forty five (3,645) square feet or sixty eight point three (68.3) percent. The architect should explain what has changed to reduce the existing impervious coverage.
  5. On the Building Data Chart on Drawing P1 the total additional floor area is indicated as one hundred nine (109) square feet when it is actually one hundred twenty nine (129) square feet. The total floor area for unit 1 of two thousand four hundred sixty (2,460) square feet appears to be accurate. The architect should address this.

6. The architect should explain how floor area was calculated and whether his calculation conforms to the requirements of the definition of floor area in Code Section 26-11.
7. A driveway variance is not necessary for this application even though it has been applied for. Code Section 26-23.4.a.3.(b) allows existing driveway configurations to remain if no changes to the driveways are being proposed. No changes to the driveway are being proposed therefore variance relief is not necessary.
8. The existing improvements on this lot include a portion of the bulkhead and a portion of the first level deck area encroaching into city owned property, Lot 1.04. **Therefore, any approval which the Board may grant should contain a condition that the applicant should approach the City to enter into an Encroachment Agreement with the City in order to indemnify the City from any issues relative to these encroachments.**
9. The application is not subject to stormwater system requirements contained in Code Section 26-38 since the proposed addition will not increase impervious coverage by more than two hundred fifty (250) square feet. The architect should confirm this.
10. Any action taken by the Board should be conditioned on the improvements being constructed in accordance with the requirements of Chapter 14 – Flood Damage Prevention Ordinance and all FEMA regulations as required by the City.
11. **If this application is approved and following memorialization of the Board's actions in a resolution the professional should revise the plans 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 copies of the plans should be provided. Construction permits will not be issued until signed plans are on file with the Construction Official.**

#### IV. Recommendations

1. The applicant and his professionals should provide testimony as to why the Board should grant the variance relief applied for.
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 variances as requested or as required by testimony and could decide to grant some of the variances while denying others. The Board Solicitor will advise you relative to this and to the type of variance required.



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

cc: Genell Ferrilli, Board Secretary (via email)  
Chris Gillen-Schwartz, Planning Board Solicitor (via email)  
Cornelius Byrne, Construction Official (via email)  
Mariah Rodia, Construction Clerk (via email)  
Jeffrey P. Barnes, Esquire (via email)  
Blane Steinman, RA (via email)  
Joe & Karen Jordan (via email)

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