



A Professional Corporation  
211 Bayberry Drive, Suite 2A  
Cape May Court House, New Jersey 08210  
Phone: 609 463-4601

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October 9, 2024

VIA EMAIL AND REGULAR MAIL

Genell Ferrilli, Board Secretary  
Planning/Zoning  
Sea Isle City  
233 John F. Kennedy Blvd., Room 206  
Sea Isle City, NJ 08243

Re: Applicant: Maryann Hauss  
148 85<sup>th</sup> Street, Sea Isle City  
Our File No.: 6174-001

Dear Genell:

Kindly accept this letter submitted on behalf of Maryann Hauss requesting a two (2) year extension of variance approval which was granted pursuant to Resolution #2022-11-06 memorialized on December 5, 2022. Applicant requests an extension as Applicant is working to begin construction with her daughter and son in law in 2025. Applicant is finalizing all other approval requirements to begin construction. Also, enclosed please find two law firm checks in the amount of \$200.00 and \$1,000.00 representing the application and escrow fees for the extension.

Please schedule this for the next available Sea Isle City Zoning Board meeting. If you need further information, please do not hesitate to contact me.

Thank you.

Very truly yours,

*Lyndsy M. Newcomb*

LYNDSY M. NEWCOMB  
[lnewcomb@mcdpclaw.com](mailto:lnewcomb@mcdpclaw.com)

LMN/hco  
Enclosures

CITY OF SEA ISLE CITY - ZONING BOARD OF ADJUSTMENT

COUNTY OF CAPE MAY  
STATE OF NEW JERSEY

RESOLUTION NO. 2022 – 11 - 06

A RESOLUTION OF FINDINGS AND CONCLUSIONS OF THE ZONING BOARD OF  
ADJUSTMENT OF THE CITY OF SEA ISLE CITY

WHEREAS, Maryann Hauss (“the applicant”) is the owner of property known as Block 86.02, Lot 13.01 in Sea Isle City, New Jersey, also known as 148 85<sup>th</sup> Street, Sea Isle City, New Jersey (“the property”); and

WHEREAS, the applicant appeared at the regular meeting of the Zoning Board of Adjustment of Sea Isle City on November 7, 2022, to present an application to demolish the existing single family dwelling on this lot and construct a new single family dwelling; and

WHEREAS, the board held a hearing on the application at that time which included public comment; and

WHEREAS, the applicant submitted a proposed plot plan as part of their application; and

WHEREAS, the board, having considered the evidence presented by the applicant, the plans, the testimony of the applicant and their professionals, the application, and having considered the comments of its engineer and solicitor, has made and hereby memorializes the following findings of fact and/or conclusions of law:

1. The applicant has standing to present this application by virtue of its status as owner of the property.
2. The board has jurisdiction to hear this application.
3. A majority vote of qualified members of the board is required for requested waivers and for the variances sought pursuant to N.J.S.A. 40:55D-70(c).

4. The application is deemed complete for purposes of the land use law.

5. Applicant has given all notices required under law.

6. At the time of the hearing, the applicant Maryann Hauss personally appeared with her son-in-law Robert Harris. The applicant was represented by their attorney Lyndsy Newcomb, Esq., and their architect Blane Steinman, R.A.

7. The applicant originally submitted an application for a Use Variance (D) as well as Hardship and Flexible "C" Variances. However, the City rezoned this property which was originally in a C-2 Zone and has rezoned the property to an R-2 Zone. Therefore, the R-2 Zoning District Regulations effect the review of this project, and a D Variance is not necessary.

8. The property has only twenty-two (22) foot of frontage on 85th Street and a lot depth of one hundred (100) feet. Therefore, the lot has a lot area of two thousand two hundred (2,200) square feet and as such is considered a non-buildable substandard lot as defined by Code Section 26-20.3. The size of the lot is an existing non-conforming condition. The applicant is proposing to demolish the existing single-family dwelling on this lot and is proposing to construct a new single family dwelling.

9. The proposed development is not permitted under the requirements of Code Section 26-20.3 and a variance will be necessary. The Board has considered this type of variance to be a "C" variance.

10. Ms. Newcomb outlined the nature of the application and confirmed the application revised the plan to eliminate a height variance and the property will be compliant in FAR.

11. Ms. Hauss testified that she acquired the property in 1983 and indicated the house is one of the original summer fishing houses built around the 1930s.

12. Mr. Steinman testified that the building height was increased to accommodate off-street parking. No off-street parking currently exists. The property is uniquely shaped and undersized and requires creative planning to address needed improvements. Mr. Steinman confirmed the applicant is seeking a variance from the street tree requirements due to the practical difficulty in placing these trees in the context of the overall plan for improvements. Similar relief is being requested from the “green space” requirements for the same reasons.

13. Mr. Steinman testified that the applicant attempted to purchase additional lands but none were available. The proposed structure will meet current flood and building codes. The existing structure does not conform to any of those current standards. Mr. Steinman confirmed the new structure will have 4 bedrooms and the application requires relief for parking but will be adding off-street spaces where none currently exist.

14. Mr. Steinman opined that the proposed front yard setback will be an improvement to the existing non-conforming setback. The board questioned the front yard conditions and whether any additional light, air, and open space could be preserved in the front yard as part of this plan. Mr. Steinman indicated the rear yard is where the retention basins are proposed and pushing the building back too far could infringe on these needed improvements. As a compromise, the applicant proposed cutting the front deck down to 10 ft. from the original 12 ft. proposed and reducing and shifting the entire structure toward the rear. The net result of this proposed compromise results in a Front yard setback of 7.17 ft. (where 15 ft. is required) and a Rear Yard Setback of 16.42 ft. (where 20 ft. is required).

15. Andrew Previti, P.E., the board engineer reviewed his October 25, 2022 report with the board and the applicant. The applicant agreed to address all comments and proposed conditions contained in the report as a condition of any approval, except for strict adherence to

street tree, landscaping, and green space requirements as referenced herein and for which the applicant requested variances at the time of hearing in connection with the plan.

16. The board opened the application to public comment. No one spoke for or against the application. The board closed public comment.

17. With regard to the applicant's required relief pursuant to N.J.S.A. 40:55D-70(c), the board finds that variance relief is appropriate in this case. The applicant demonstrates a unique hardship due to preexisting lot conditions that create practical difficulty for development without requiring some form of relief. The applicant appropriately balances the need for relief given those conditions with a reasonable site appropriate proposal. The applicant advances the purposes of zoning in light of the applicant's proposed compromise to reduce the deck size and shift the proposed building to the rear which will preserve light, air, and open space and result in an overall improvement to the visual environment. The proposed building will improve flood resilience and the benefits of granting relief outweigh any detriments that result from this application. The applicant requires variances for parking but is adding off-street spaces where none currently exist. The applicant requires variances for green space and vegetation but is adding stormwater retention which will benefit the public health, safety, and general welfare. The unique site conditions make strict adherence to these provisions practically difficult. The board finds that given the totality of what is proposed and the unique conditions impacting development, the variances may be granted without causing substantial detriment to the public good and will not substantially impair the intent and purpose of the municipal zoning ordinance and municipal master plan.

18. A motion was made to approve the application. The board voted 6-0 in favor of the application as follows:

Roll Call	Yes	No	Absent	Abstain
Pasceri, Chairperson	X			
Urbaczewski, Vice Chair			X	
Deal			X	
Elko	X			
Feola	X			
Ianelli	X			
McGinn	X			
Durling, Alternate I			X	
Cloud, Alternate II	X			

NOW THEREFORE, on this 5th day of December 2022, be it resolved by the Zoning Board of Adjustment of Sea Isle City as follows:

- The applicant's request for variance relief, pursuant to N.J.S.A. 40:55D-70(c) from the requirements set forth in the below table, is hereby **GRANTED**:

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.	Not permitted	Single Family Dwelling	Improvements on lots less than 3,500 s.f.	26-20.03
2. Min. lot area	5,000. s.f. <b>ENC</b>	2,200 s.f.	2,800 s.f.	26-46.7.a
3. Min lot width	50 ft. <b>ENC</b>	22 ft.	28 ft.	26-46.7.b
4. Front yard setback*	15 ft.	7.17 ft.	11.83 ft.	26-46.4
5. Min. side yard setback	5 ft.	3.17 ft.	1.83 ft.	26-46.5.a
6. Aggregate side yard Setback	15 ft.	8.34 ft.	6.66 ft.	26-46.5.a & 26-27.4

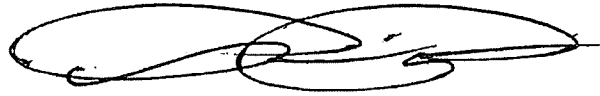
7. Max building coverage	35%	49%	14%	26-46.9
8. Number of parking Spaces	3	2	1	26-23.8
9. Street trees	1	0	1	26-25.4
10. Rear Yard Setback*	20 ft.	16.42 ft.	3.68 ft.	26-46.6
11. Green Space* Requirements				

**ENC=Existing Non-Conformity**

**\*Variances addressed or amended during the application hearing.**

2. The grant of approval is subject to the following conditions:
- A. The applicant shall address all comments, revisions, and conditions as indicated in the engineering review letter by Board Engineer Andrew A. Previti, P.E. dated October 25, 2022, incorporated herein by reference.
  - B. Applicant shall comply with all applicable Sea Isle City Codes and obtain any and all other governmental approvals.

This resolution is adopted in full memorialization of the Decision made by the Zoning Board of Adjustment of Sea Isle City at its regular meeting held on November 7, 2022.



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PATRICK PASCERI, Chairman

This is to certify that this is a true copy of a Resolution adopted verbally by the Zoning Board of Adjustment of Sea Isle City at its regular meeting held on November 7, 2022 at 7:00 p.m. at the Sea Isle City Municipal Building and memorialized on December 5, 2022.



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GENELL FERRELLI, SECRETARY

Prepared by:  
CHRISTOPHER GILLIN-SCHWARTZ, ESQUIRE

**Gillin  
Schwartz** Law

1252 NJ Route 109 | Cape May | NJ 08204  
Tel: 609.884.0153 | cgsesq.com