

Memorandum

To: Sea Isle City Zoning Board of Adjustment

From: Andrew A. Previti, P.E.

Date: October 22, 2024

Subject: Thomas J. Scull – Variance Application
207 86th Street
Block: 86.03, Lot: 15.01
R-2 Two-Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0257

I. **Background**

The applicant has submitted an application for Hardship and Flexible “C” variance relief. The existing structure on the property is a single family frame structure. The property is located in Block 86.03, Lot 15.01 and is located in the City’s R2-Two Family Residential Zoning District.

The parcel has twenty (20) foot of frontage on 86th Street and a lot depth of one hundred (100) feet. Therefore, the lot has a lot area of two thousand (2,000) sq. ft. and as such is considered a Non-Buildable Substandard Lot as defined by Code Section 26-20.3. Based on previous applications it would appear that the project requires “C” variance relief since the existing structure is a single family dwelling and the number of units will not be increased. However, the Board Solicitor will advise you relative to this.

The applicant is proposing to add a two hundred twenty seven (227) sq. ft. second floor addition to the existing single family dwelling. A new bathroom would be provided, and this would occupy a portion of the existing bedroom on the second floor. The remaining portion of the addition would be a new bedroom as shown on the architect’s plans.

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>
CZ101	Plot Plan & Zoning Conformance	John E. Halbruner, RA, PE	5/9/2024	8/23/2024
P1	Schematic Design	James E. McAfee, RA	9/30/2024	---

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. Building on Lot Less Than 3,500 sq.ft.	Not Permitted	2 nd Floor Addition to Existing Single Family Dwelling	Addition to Single Family Dwelling on a Non-Buildable Lot	26-20.3 & 26-20.2
2. Min. Lot Area	5,000 sq. ft. ENC	2,000 sq. ft.	3,000 sq. ft.	26-46.7a
3. Min. Lot Width	50 ft.	20 ft.	30 ft.	26-46.7b
4. Min. Front Yard Setback (1 st Floor)	15 ft. ENC	6.48 ft.	8.52 ft.	26-46.4
5. Min. Front Yard Setback (2 nd Floor)	15 ft. ENC	14.31 ft.	0.69 ft.	26-46.4
6. Min Front Yard Setback to Stairs	14 ft. ENC	0 ft.	14 ft.	26-46.13
7. Min. Side Yard Setbacks	5 ft.	3.48 ft. Right Side (East) Proposed	1.52 ft.	26-46.5a
	ENC	[3.16 ft. Right Side] [(East) Existing]	1.84 ft.	
8. Min. Side Yard	5 ft.	1.86 ft. Left Side (west) Proposed	3.14ft.	26-46.5a
	ENC	[1.83 ft.] [Left Side (west)] [Existing]	3.17ft.	
9. Aggregate Side Yard Setback	15 ft.	5.34 ft. Proposed	9.66 ft.	26-46.5a
	ENC	[4.99 ft.] [Existing]	10.01 ft.	

VARIANCE CHART

<u>Parameter</u>	<u>Required or Permitted</u>	<u>Proposed</u>	<u>Variance</u>	<u>Code Section</u>
10. Min. Side Yard Setback to Stairs	5 ft. ENC	1.93 ft.	3.07 ft.	26-46.13
11. Min Side Yard Setback (Outdoor Shower)	5 ft. ENC	3.5 ft.	1.5 ft	26-46.5b
12. Min. Side Yard Setback (Deck)	5 ft. ENC	2.1 ft.	2.9 ft	26-46.6
13. Parking Spaces Required Number	2 spaces	0 spaces	2 spaces	26-23.8

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 addition. 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 variances required for this project are listed in the variance chart.

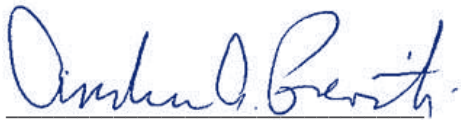
 Variance numbers 7, 8 & 9 are partial variances involving non-conforming conditions relative to the existing building on the first floor. However, the proposed addition will exacerbate the minimum side yard set back deviations from the requirements as well as the aggregate side yard setback and therefore these variance should not be considered existing non-conforming conditions but are being exacerbated by the proposed addition.
2. The Zoning Conformance Schedule on Drawing CZ101 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.
 - b. Under the Item column the maximum lot coverage should eliminate impervious. The Code Section indicated is for maximum building coverage and thirty-five (35%) percent is correct.

- c. The requirement for maximum lot coverage for an accessory structure should be ten (10%) and not forty-five (45%) percent.
 - d. It appears that under the Proposed column for Minimum Front Yard Setback that the six point four eight (6.48) feet on the second floor would be incorrect and the setback to the second floor for the existing structure would remain as fourteen point five (14.5) feet. **However, the engineer should confirm this.**
3. An item should be added to the Zoning Conformance Schedule to address impervious coverage. Seventy (70%) percent impervious coverage is permitted and the Conformance Schedule should be revised to reflect what the existing impervious coverage is.
4. The proposed landscape plan satisfies code requirements relative to the number of shrubs and trees as well as the plant materials selected. However, a Landscape Schedule should be added to the plans and should note the height at planting of all trees and shrubs. Code Section 26-25.3e and 26-25.4.d requires a planting height of six (6) to eight (8) feet for trees and a tree caliper of three and one-half (3.5) to four (4) inches. Code Section 26-25.3.e also requires that shrubs be between twenty four (24) inches and thirty-six (36) inches at planting. This information should be included in the Landscape Schedule. **General Note No. 9 on Drawing CZ101 indicates that all new landscaping will be provided with an automatic underground irrigation system. This should be a Condition of Approval.**
5. The application is not subject to the Stormwater System requirements contained in Code Section 26-38 since the proposed addition will not increase impervious coverage on the lot since it will be built over the existing first floor.
6. The engineer should address why there is a difference in side yard setbacks between the existing building and the proposed building. The difference is minor but should be explained.
7. Signature lines for approval by the Board Chairperson, Secretary and Engineer should be added to Drawing CZ101.
8. 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.
9. **If this application is approved and following memorialization of the Board's actions in a resolution the professionals 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 engineering plan, Drawing CZ101 should be provided as well as three (3) copies of the Architectural Schematic Design P1. Construction permits will not be issued until signed plans are on file with the Construction Official. Landscape site improvements are required for this project and**

I will discuss whether these improvements will be inspected by the Construction Official or my office and will advise the Board at the hearing.

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 variance 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 for deviation from the requirements of Code Section 26-20.3.



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

AAP/dpm

cc: Genell Ferrilli, Board Secretary (via email)
Chris Gillen-Schwartz, Planning Board Solicitor (via email)
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