

## Memorandum

To: Sea Isle City Zoning Board

From: Andrew A. Previti, P.E.

Date: May 21, 2025

Subject: Richard Bigelow  
Variance Application  
239 40<sup>th</sup> Street  
Block: 39.04, Lots: 4 & 5  
R-2 Two Family Residential Zoning District  
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0270

### I. Background

The applicant has submitted an application for Flexible "C" variance relief from the requirements of the R-2 Zoning District. The property is located in Block 39.04, Lots 4 & 5 and the street address is 239 40<sup>th</sup> Street. The property is located in the R-2 Zoning District.

The property has fifty foot (50') of frontage on 40<sup>th</sup> Street and a lot depth of one hundred ten feet (110'). Therefore, the lot has a lot area of five thousand five hundred square feet (5,500 sq.ft.) and would be a conforming lot in the R-2 Zoning District.

The building at this site is a duplex structure and has been constructed. The applicant is before the Board due to the fact that the platforms for the condensers encroach into the rear yard setback by three feet (3') and thus a variance is required since the actual set back from the rear property line to the platform is only seventeen feet (17').

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>
A1.0	New Construction	Matthew Sprague, RA	10/01/2023	4/7/2025
Survey 2312007	As-Built Plan	Thomas Tolbert, PLS	12/18/2024	---

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. Rear Yard Setback	20 ft.	17 ft.	3.0 ft.	26-46.6

#### **II. Determination for Completeness**

I would advise the Board that this application is technically complete for the variance relief which will be necessary. There will be a need to make minor modifications to the plan, however the application can proceed to a hearing.

#### **III. Comments**

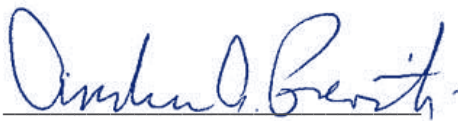
1. Only one (1) variance is necessary for this project, a rear yard setback variance and this is noted in the Variance Chart.
2. The Local Design Flood Elevation for this site is Elevation 12.0 based on a Base Flood Elevation of 9.0. The Zoning Chart on the plan indicates a permitted building height of thirty two feet (32') above Elevation 11.0 and this should be revised to reflect a permitted height of thirty one feet (31') above Elevation 12.0. This does not require any variance relief since the elevations on the plan indicate that the height above Elevation 12 is thirty one feet (31') and this would be conforming. The survey which has been submitted as part of the application indicates that the building height would conform.
3. The building is equipped with gutters and downspouts which is a requirement.
4. The Construction Official will review for compliance to the landscape requirements of the City Code
5. The architect should explain how the floor area of each of the floors illustrated on the drawing have been calculated. Floor Area Ratio should be calculated to the exterior surface of the exterior walls of the structure and also is to include stair and elevator areas within the exterior building limits. The architect should provide testimony that the Floor Areas noted on the drawings were calculated in this matter.
6. The driveway width of twenty four feet (24') conforms to Code requirements.
7. Any action taken by the Board should be conditioned on the improvements having been constructed in accordance with Chapter 14 – Flood Damage Prevention Ordinance and all FEMA regulations required by the City as applicable.
8. **If this application is approved and following memorialization of the Board's action in a resolution, the design professionals 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 signed and sealed sets should be sent to my office for signature. A cost estimate will not be necessary for this project since there are no site improvements to be constructed relative to the variance application.**

**Certificates of occupancy 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 applicant 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.



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)  
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