

Memorandum

To: Sea Isle City Zoning Board

From: Andrew A. Previti, P.E.

Date: February 23, 2026

Subject: Sean M Flatley & Gina M. Flatley – Variance Application
142 87th Street – West Unit
Block: 88.02, Lots: 23 & 24
R-2 Two-Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0278

I. Background

The applicants have submitted an application for Hardship and Flexible “C” Variance Relief. The property in question is known as Block 88.02, Lots 23 & 24 and is located at 142 West 87th Street. The property is located in the R-2 Two -Family Residential Zoning District.

The property in question is a corner lot and has one hundred foot (100ft.) of frontage on Landis Avenue and fifty-six point five (56.5) foot of frontage on 87th Street. Therefore, the property has two (2) front yards. The lot area is five thousand six hundred fifty square feet (5,650 sq.ft.) and is a conforming lot in the R-2 Zoning District. The property supports an existing duplex structure.

The applicant is proposing to construct an inground swimming pool which would measure ten feet by sixteen feet (10 ft.x16 ft.) as shown on the plans. The proposed pool would be in the rear yard of the westerly unit and would be adjacent to the front yard setback off of Landis Avenue. A six foot (6ft.) high fence would be constructed in the rear yard separating the eastern unit from the westerly unit.

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> |
|--------------|------------------|---------------------|-------------|-----------------|
| Sheet 1 | Pool Zoning Plan | Paul D. Kates, P.E. | 11/20/2025 | --- |

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. Setback from Main Building to Accessory Structure | 10 ft. | 5 ft. | 5 ft. | 26-27.7a |
| 2. Fence Height in Front Yard | 3 ft. | 6 ft. | 3 ft. | 26-26.4.a |
| 3. Maximum Impervious Coverage | 70% | 71.5% | 1.5% | 26-36.a |
| 4. Rear Yard Setback | 20 ft. | 17 ft. (Pool Equipment Platform) | 3 ft. | 26-46.6 |

II. Determination for Completeness

The application is technically complete. The plan 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. All of the variances are required due to what is being proposed.

I have listed the need for a variance for impervious coverage due to the fact that only two hundred ten square feet (210 sq.ft.) of the lot is involved with the proposed recharge system while the remaining five thousand four hundred forty square feet (5,440 sq.ft.) is not. Therefore, the application does not qualify for a five percent (5%) off-set as would be permitted if the entire lot was used to calculate the necessary recharge area.

The fence in the front yard would be a six foot (6 ft) high fence where only a three foot (3ft) high fence is permitted. The proposed fence would be setback thirteen feet (13 ft.) from the Landis Avenue property line and therefore will be located in the front yard. This variance could be eliminated by reducing the length of the pool to fourteen feet (14 ft.) and placing the six foot (6 ft.) high fence fifteen foot (15 ft.) back from the Landis Avenue property line instead of the proposed thirteen feet (13 ft.).

The proposed pool would be setback from the main building by a distance of five feet (5 ft.) as shown on the plans submitted and this will require variance relief since a ten foot (10ft) setback is required from the main building per the requirements of Code Section 26-27.7. The pool itself

would meet setback requirements of Code Section 26-46. However, the City has a requirement as recommended by the Planning Board that a two foot (2ft.) wide solid surface be placed around the pool area. The plan indicates that the two foot (2ft.) solid surface would be provided at the eastern and western ends of the pool as well as from the building structure. However, the pool is proposed to be located five feet (5 ft.) from the rear property line and this would only provide a one foot (1 ft.) solid surface around the pool since a four foot (4 ft.) green space is being provided, which I assume will be concrete and would present an unsafe condition since the City has developed a standard which requires at least a two foot (2 ft.) solid surface around the permitted of pools. Therefore, I would recommend that the pool be reduced in size to provide a two foot (2 ft.) wide solid surface in the rear yard area where one foot (1 ft.) is presently proposed. This would conform to the new requirements developed by the City. The plan does indicate that a two foot (2 ft.) concrete surface would surround the pool, however this is not illustrated on the plan.

The proposed pool equipment platform would encroach into the rear yard setback of twenty feet (20 ft.). This platform is not dimensioned however, scaling it indicates that it would have a depth of three feet (3 ft.) and would therefore be setback from the rear property line seventeen feet (17 ft.) as noted in the Variance Chart. The Zoning Officer has advised that this would require a rear yard setback variance.

2. Code Section 26-26.7 addresses the requirements for swimming pools and this section requires a seventy two inch (72") high fence around the swimming pool. The plans indicate that a six foot (6 ft.) high vinyl fence is being proposed with a self-latching gate with a locking device. This would conform to Code Requirements. However, a portion of the six foot (6 ft.) high fence is located in the front yard setback area of the property and this would require variance relief or modification to the size of the pool as noted in Comment No. 1.
3. The proposed grading of the lot around the pool will elevate the rear yard to a higher elevation than the adjacent lots. The design engineer should address this.
4. The proposed landscaping as it relates to the pool is acceptable.
5. I have reviewed the Stormwater Management Plan and Calculations which are part of the plans submitted I will have comments concerning the calculations and the plan itself as follows:

A. Stormwater Calculations

1. The total system capacity Volume Stored of $V=128$ cf is incorrect. Based on a total storage volume of 2.610 cf/lf and a proposed length of 13 ft. the actual stored volume would be 33.93 rounded to 34 cf. The volume should be corrected accordingly. The comment concerning the design system retaining and infiltrating the total volume of a 25 year storm is not accurate and should be eliminated. The system as designed will store 30% of the 25yr storm as is required.

B. Stormwater Plan

1. The depth of the recharge trench should be noted. The calculations indicate a two foot (2ft) depth and this should be noted on the plan detail. The width of the trench should also be noted as four feet (4ft) as indicated on the Proposed Plan.
2. The rear yard area as proposed will be higher than the elevations of adjacent Lots 1 & 2 in Block 88.02. This has been noted in Comment No. 3 and the engineer should address this.
6. Any action taken by the 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.
7. **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 and 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 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 additional comments that the Board may have.
3. The Board has the discretion to grant 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.**



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)
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