

Memorandum

To: Sea Isle City Zoning Board

From: Andrew A. Previti, P.E.

Date: November 20, 2025

Subject: Michael & Linda Gallagher – Variance Application
133 43rd Street
Block: 42.03, Lots: 4.03 & 5.01
R-2 Two Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0275

I. Background

The applicants have submitted an application for a Hardship and Flexible “C” variance relief from the R-2 Zoning District. The property is located at 133 43rd Street, in Block 42.03, Lots 4.03 & 5.01. This parcel is a landlocked lot and does not have frontage on a City street.

The property measures thirty (30) foot by forty-two (42) feet and is located to the rear of existing lots 4.02 & 5.03, which lots front on 43rd Street. **Therefore, I would advise the Board that in addition to the Hardship and Flexible “C” variance relief sought, the applicant will also need a Permit to Build Where Lot Does Not Abut Street in accordance with the requirements of N.J.S.A. 40:55D-36.**

The property has a lot area of only one thousand two hundred sixty (1,260) square feet and as such is considered a **Non-Buildable Substandard Lot as defined by Code Section 26-20.3**. A non-compliance with the requirements of Code Section 26-20.3 would require “C” variance relief since what is being proposed is a continuation of what was previously a single family home on this property and which was damaged in Super Storm Sandy many years ago. The property is currently vacant since the damaged building has been demolished.

The application which has been submitted is proposing to construct a new single family structure on the now vacant lot. The proposed building will have a ground floor which the plans indicate will be used as an open area and for storage with residential use on the first and second level above the ground floor. **Storage is not permitted below the Local Design Flood Elevation and this will have to be eliminated from the plan as I will address in Section III of this report.**

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>
ZB-1	Top Sheet	Andrew Bechtold R.A.	8/26/2025	11/13/2025
ZB-2	Existing Conditions Survey	Andrew Bechtold R.A.	8/26/2025	11/13/2025
ZB-3	Zoning Boad Document With Plot Plan, Details Floor Plan & Stormwater Calculations	Andrew Bechtold R.A.	8/26/2025	11/13/2025
1 of 1	Plan of Survey & Topography	Michael C. Dorio, PLS	11/06/2025	---
<ul style="list-style-type: none"> January 12, 1999 Deed – Estate of Elmer H. Johnson and James L & Marilyn F. Tracey, Block 42.03, Lots 4.02 and 5.03. September 22, 2017 Deed – James L. Tracey and Marilyn F. Tracey and William J. Pesda & Michelle T. Pesda, Block 42.03, Lots 4.02 and 5.03. 				

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 s.f.	Not Permitted	Single Family Dwelling on Vacant Lot	Construct a Single Family Dwelling on an Undersized Non-Buildable Lot	26-20.3 & 26-20.2
2. Min. Lot Area	5,000 s.f. ENC	1,260 s.f.	3,740 s.f.	26-46.7.a
3. Min. Lot Width	50 ft. ENC	30 ft.	20 ft.	26-46.7.b
4. Min. Lot Frontage	50 ft. ENC	0 ft.	50 ft.	26-46.7.b
5. Min. Lot Depth	100 ft. ENC	42 ft.	58 ft.	26-46.7.b

VARIANCE CHART- Continued

<u>Parameter</u>	<u>Required or Permitted</u>	<u>Proposed</u>	<u>Variance</u>	<u>Code Section</u>
6. Min. Front Yard Setback	15 ft.	11.58 ft 7.42 ft. to Stairs	3.42 ft. 7.58ft.	26-46.4
7. Min. Side Yard Setback	5 ft.	3.08 ft. Each Side Yard	1.92 ft.	26-46.5.a
8. Aggregate Side Yard Setback	15 ft.	6.16 ft.	8.84 ft.	26-46.5.a
9. Min. Rear Yard Setback	20 ft.	3.08 ft.	16.92 ft.	26-46.6
10. Max. Building Coverage	35%	51.67%	16.67%.	26-46.9
11. Building Lot to Abut Street	Lot must abut street for Building permit to be issued ENC	Lot does not abut street	Lot not abutting street	26-19.1
12. Parking Spaces	2 spaces	0 spaces	2 spaces	26-23.8
13. Landscaping Street Tree	1	0	1 Street Tree	26-25.4

ENC=Existing Non-Conformity

II. Determination for Completeness

The application was initially deemed technically incomplete since a survey had not been submitted and the application did not include a Stormwater Management Plan. The application was also deemed administratively incomplete since the original application sought a "D4" variance for exceeding the FAR.

Since the time of the initial submission the plans have been revised to eliminate the "D4" variance and a survey and a Stormwater Management Plan have been submitted. Therefore, the application is complete to proceed to hearing.

III. Comments

1. This parcel is a landlocked lot and the applicant will require a special approval from the Zoning Board to permit a building where the lot does not abut the street in accordance with N.J.S.A. 40:55D-36 in my opinion. The four (4) foot right of way easement shown on the survey does not provide frontage for the lot but does provide for pedestrian access to the landlock lot.
2. The application will require thirteen (13) variances with variance numbers 2, 3, 4, 5 & 11 being existing non-conforming conditions. The remaining variances all relate to the proposed building construction on this property.
3. The application as submitted does not address how utility services will be provided to the landlock parcel. The applicants and their professionals should address how the proposed building will be serviced for water service, sanitary sewer service, gas & electric utilities as will be necessary.
4. I noted in Section I that storage is not permitted below the Local Design Flood Elevation. Storage below the Local Design Flood Elevation would require variance relief under Chapter 14, which is discouraged by the City. Therefore, I would recommend that the ground floor plan be revised to eliminate reference to storage otherwise a separate or amended application would be necessary for variance relief from the requirements of Chapter 14.
5. The project is proposing no off-street parking since the lot is landlocked and no vehicle can access the lot. Therefore, variance relief will be necessary from the parking requirements.
6. The architect should explain how the floor area of each of the floors illustrated on the drawing has 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 are calculated in this manner. I would also ask that the floor area of each floor be noted on the plans. A detail breakdown of the square footage of each floor should be provided.
7. The project is subject to the stormwater management requirements of Code Section 26-38 since this is new construction. I have the following comments concerning the calculations as well as the plans as follows:
 - A. Calculations
 - a. A twenty-five (25) year design storm should be utilized in the calculations.
 - b. A weighted "C" is not permitted. The individual areas in the proposed conditions should be calculated separately relative to the runoff from each of those areas utilizing their own "C Value".
 - c. The post development calculations only account for seven hundred forty point five (740.5) square feet of the lot area of one thousand two hundred sixty (1,260)

square feet. The entire lot area should be calculated to post development runoff and this total area should be utilized in formulating the total runoff from the site.

- d. I will review the stormwater calculations once they have been corrected to address the items noted above.

B. Plans

The locations of gutters and downspouts should be noted on the plans and the plans should indicate how runoff from the building will be directed to the recharge system. Gutters and downspouts are not noted.

8. The proposed side yards setback are each only three point zero eight (3.08) feet and the aggregate side yard setback is only six point one six (6.16) feet. The stairs of the proposed building would be setback from the property line seven point five eight (7.58) feet. **Given the closeness of the building to the side property lines and due to access issues since the lot is landlocked, I would recommend that if the Board were to grant approval that a sprinkler system be required as part of the building improvements. The former City Fire Chief, Frank Edwardi, in his memorandum of October 29, 2014 recommended that a complete sprinkler system be installed with any new construction if the application were approved.** The requirement for a fire suppression system is included in the previous approval granted and memorialized in Resolution No. 2014-11-02, and was Condition No. 8. I would recommend that this be a condition of any approvals that the Board may have relative to this application. A copy of Chief Edwardi's memo is attached.
9. The applicants design professional should obtain a letter from the Floodplain Administrator which indicates what flood zone the property is located in and what the local design flood elevation would be. It appears that the Local Design Flood Elevation is 12.0 NAVD, however this should be confirmed with the Floodplain Administrator.
10. The issue of constructability should be discussed with the applicant. The applicant should indicate how they propose to bring materials and equipment to the site in order to construct the proposed building. This will impact adjacent properties and this should be addressed by the applicant at the hearing. If there is an agreement with adjacent owners to utilize their properties for access then I would recommend that that be in writing.
11. 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 Code as applicable, and all requirements of the Building Code.
12. **If this application is approved and following memorialization of the Boards action in a Resolution the design professional should revise the plans as necessary and provide a electronic copy for me to review. If the plans have been revised to satisfy the comments contained in this Memorandum as well as any other conditions imposed by the Board, then seven (7) signed and sealed sets should be sent to my office for signature along with cost estimates for on-site improvements.**

Construction permits will not be issued until plans signed by the Board Chairperson, Secretary and Engineer are on file with the Construction Official and the necessary inspection fees have been posted

IV. Recommendations

1. The applicants must address the Positive and Negative criteria in order for variance relief to be granted. The applicant must meet both sets of criteria to be granted variance relief. The Board Solicitor will advise you relative to Special Reasons and the No Substantial Detriment criteria for each.
2. The items mentioned in this report should be discussed with the applicant.
3. If the variance relief is approved it should be conditioned on the applicant obtaining all other governmental approvals and the submission of these approvals to the Board Secretary and the Board Engineer.
4. If the variance relief is granted all recommended conditions of approval as noted in this report should be indicated in the Board's approving memorializing resolution.
5. Any positive action taken by the Board should be conditioned on the various items noted in this report as agreed to by the Board members and any other conditions deemed appropriate by the Board.
6. The applicants and their professionals should provide testimony as to why the Board should grant the variance relief requested.



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

AAP/dpm

Encl.

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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