

Memorandum

To: Sea Isle City Zoning Board

From: Andrew A. Previti, P.E.

Date: March 24, 2026

Subject: John and Joanne Murphy & Clyde and Susan Thomas – Variance Application
5609 Roberts Avenue – South Unit
Block: 56.04 Lot: 1479
R-2 Two-Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0282

I. Background

The applicants have submitted an application for Hardship and Flexible “C” variance relief. The property in question is known as Block 56.04, Lot 1479 and is located at 5609 Roberts Avenue. The property is located in the R-2 Two-Family Residential Zoning District.

The property in question has fifty-five (55) foot of frontage on Roberts Avenue and a lot depth of one hundred (100) feet. Therefore, the lot area is five thousand five hundred (5,500) square feet and is a conforming lot in the R-2 Zoning District. The property supports a two-family duplex structure and the applicants are the owners of the southern unit.

The application is proposing to construct a twelve (12) foot by sixteen (16) foot inground swimming pool in a portion of the rear yard. The existing rear yard between the existing duplex units is divided by an existing six (6) foot high vinyl fence. The rear yard area of the southern unit would measure twenty-seven point five (27.5) feet in width and the proposed pool would occupy sixteen (16) feet of the rear yard of the southern 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 requirement 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>
1 of 1	Pool Zoning Plan	Paul D. Kates, PE	11/19/2025	---

Variances are required for this project 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.	26-27.7.a

II. Determination for Completeness

The application is conditionally technically complete. The design engineer will be contacting the Floodplain Administrator for a determination of the flood zone in which the property is located in and this will be a condition of any approvals which the Board may grant. However, the application could proceed to a hearing.

III. Comments

1. The variance necessary for this project is noted in the variance chart. The variance required is due to what is being proposed as it relates to the proposed pool. The proposed pool will be setback from the main building by a distance of five (5) feet as shown on the plans submitted and this will require variance relief since a ten (10) foot setback is required from the main building per the requirements of Code Section 26-27.7. The City has developed standards for pool construction and the pool as proposed would conform to those standards as it relates to a two (2) foot wide solid surface around the pool perimeter as well as the green space requirements of the rear yard. Therefore, the proposed pool size of twelve (12) feet by sixteen (16) feet would be acceptable subject to the need for the variance for setback from the main building.
2. Code Section 26-26.7 addresses the requirements for swimming pools and this section requires a seventy-two (72) inch high fence around the swimming pool. The plans indicate that there is an existing six (6) foot high fence at the site and this has been confirmed. However, the plans indicate that there is a self-latching gate and the gate is not self-latching and a self-latching gate will have to be installed for this project. **This should be made a condition of approval.**
3. The Zoning Chart under existing conditions for the rear yard lists the setback as twenty three point three (23.3) feet. This is acceptable for the southern unit however, the northern unit must also be included since the City reviews this as one (1) overall parcel and that setback as noted on the plan is noted as twenty point six (20.6) feet. The Zoning Schedule should be revised accordingly and could list both setbacks. Variance relief is not required for rear yard setback.
4. The proposed landscaping in the rear yard area is generally acceptable. The Construction Official may require additional landscaping as part of the condition of issuing a building permit since the existing duplex does not meet landscaping requirements of the City Code.

5. I have reviewed the stormwater management plan and calculations which are part of the plan submitted and will have comments concerning the calculations and the plan itself as follows:
 - A. Stormwater Calculations.**
 1. The calculations as submitted are generally acceptable.
 2. The design engineer should explain the Total System Capacity Volume Stored of one hundred twenty-two (122) cubic feet and how that was arrived at. If this calculation includes percolation, it should be omitted from the plan.
 - B. Stormwater Management Plan.**
 1. The width of the proposed recharge trench should be noted on both the Stormwater Recharge System Detail as well as the Roof Runoff Collection Subsurface Retention System Detail.
 2. The Roof Runoff Collection Subsurface Retention Detail indicates that the filter fabric would only be on the top and sides. This should be revised to reflect filter fabric around the entire perimeter of the recharge trench. The proposed Mirafi 140N material is acceptable as the fabric.
6. I have the following comments concerning the proposed pool area:
 - a. The pool is proposed to have a five (5) foot setback from the main building where ten (10) foot is required. This would satisfy the new standards which have been developed by the City relative to setback from the main building or stairs or deck. However, the variance is still necessary from the Code Requirements.
 - b. The pool as proposed would conform to all other recommended standards for pool construction.
7. General Note No. 2 does not appear to be applicable to this application and should be removed if not applicable.
8. The plans indicate that the proposed pool equipment would be installed above 12 ft. "DFE". This must be revised to reflect the new standards and the actual height will depend on the Flood Zone Determination by the Floodplain Administrator. The plan should be revised accordingly when that information is available.
9. 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.
- 10. 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 for me to 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. Offsite improvements are not required for this project.

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. It will 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 also be a condition of approval.

IV. Recommendations

1. The applicants and their professionals 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.
3. The Board has the discretion to grant or deny the variance requested.
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)
John & Joanne Murphy c/o 1305 Hammock Way, Lancaster, PA 17601
Donal A Wilkinson, Esquire (via email)
Paul D. Kates, PE (via email)