

Memorandum

To: Sea Isle City Zoning Board

From: Andrew A. Previti, P.E.

Date: March 25, 2025

Subject: O'Rourke Properties, LLC - Variance Application
3918 Landis Ave. Unit C-01
Block: 39.03, Lots: 10, 11.01, 11.02, 12.01, 12.02 ,23.03, 24.03
C-1 General Business District & R-2 Two Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0266

I. Background

The applicant has submitted an application for a D1 Use Variance for a use or structure not permitted in the zoning district as well as a D2 Variance for the expansion of a non-conforming use. The application also requests Hardship "C" Variance Relief as needed.

The property in question is known as Block 39.03, Lots: 10, 11.01, 11.02, 12.01, 12.02 ,23.03, 24.03. The property is located primarily in the C-1 Zoning District; however, Lot 10 is located in the R-2 Zoning District.

The property has one hundred nineteen (119) foot of frontage on Landis Avenue and one hundred fifty (150) foot of frontage on 40th Street and therefore has a lot area of Seventeen Thousand Four Hundred (17,400) square feet. The lot would be a conforming in either the R-2 or the C-1 Zoning Districts. I will use the criteria for the C-1 District to report on this application.

The existing use is a twenty-five (25) unit condominiumized building with twenty four (24) of the units used as residential uses and one commercial use which is the subject of this application. Prior to being condominiumized in the early 1980's the facility operated as a motel. The application includes the condominium documents which were prepared when the conversion occurred in the early 1980's and identify the buildings onsite, which are two (2) buildings, as Building A and Building B. Building A fronts on Landis Avenue and contains fourteen (14) units in a two-story building, while Building B fronts on 40th Street and contains eleven (11) units in a three-story building. The condominium document plans indicate twenty-four (24) parking spaces on-site. However, a site visit reveals that there are actually twenty-five (25) parking spaces at the property.

The applicant is proposing to convert Unit C-01 into a residential unit from its present use as a commercial hair salon. The C-1 District requires that only commercial uses occupy the first level and be on grade and the existing use does not conform to this nor would the proposed conversion from a commercial unit to a residential unit. Therefore a "D1" variance would be necessary for converting Unit C-01 from a commercial unit on the first level to a residential unit,

and a D2 Expansion of a non-conforming use variance would be necessary since the existing building would become more non-conforming by the proposed conversion.

The application has been accompanied by the following documents which have been submitted for review. Drawings 1 through 4 of 4 are as contained in the condominium documents and are sufficient in my opinion for a review of this application. The floor plan prepared by James E. McAfee provides an illustration of what is being proposed in the interior. There would be no exterior changes to the site.

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
1 of 4	Plot Plan & Survey	Geroge R. Everland, PE, PLS	12/8/1981	---
2 of 4	Landis Ave Condo Building A.	Geroge R. Everland, PE, PLS	12/8/1981	---
3 of 4	Landis Ave Condo Building B Third Floor Plan	Geroge R. Everland, PE, PLS	12/8/1981	---
4 of 4	Landis Ave Condo Building B First & Second Floor Plan	Geroge R. Everland, PE, PLS	12/8/1981	---
A1	Floor Plans	James E. McAfee, RA	1/15/2025	---

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. Use D1	Commercial uses must occupy at least the first level and be on grade	Convert existing Unit C-01 commercial use to residential on first level not at grade	One (1) additional residential unit on first level not at grade	26-52.1 & 26.52.7.d
2. Use D2	Mixed non-residential & residential development with non-residential on first level	Convert commercial unit 1 to residential use on first level of existing 25 unit building (Existing 24 Residential Units & 1 Commercial Unit	Expansion of non-conforming use	26-17.4 & 26.52.1

II. Determination for Completeness

This application is technically complete and can be heard by the Board. Testimony will be necessary relative to the reasons for the proposed requests.

III. Comments

1. The existing use of a twenty-four (24) residential unit condominium unit and one (1) commercial unit is an existing non-conforming use as noted. The variance relief requested would require two (2) D variances in order to convert the commercial unit into a residential unit.

The Board has typically considered use variances on the basis of whether what is being proposed is reasonable for the site. In this particular case there is no exterior changes to the site and the only change would be interior reconfiguration of the existing commercial unit to facilitate a residential use. However, I will address the various parameters of the C-1 District as follows:

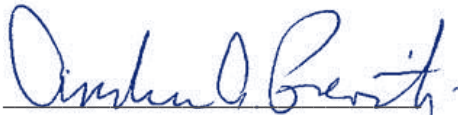
- a. The front and side yard setbacks would conform to the requirements of the C-1 District.
 - b. The existing rear yard is non-conforming and Building B actually encroaches upon adjacent Lot 9. The applicant should provide testimony whether there is an easement in place for this encroachment.
 - c. The existing building height conforms to the C-1 District requirements.
 - d. Building coverage is less than 95% which is the permitted building coverage.
 - e. No landscaping exists at this site and while not impossible it would be difficult to establish landscaping at this site in its current configuration and still keep the required number of parking spaces.
 - f. There are twenty-five (25) parking spaces on-site by my count. The condominium documents only show twenty-four (24) but there are actually twenty-five (25) spaces at the site and the orientation of the spaces in the field are different than what is shown on the plans. However, the requirement for residential units less than fifteen hundred (1,500) square feet is that one parking space is necessary for each residential unit and one (1) space is provided for each of the twenty-five (25) units, the existing twenty-four (24) residential units and the proposed conversion unit.
2. The existing driveway off of 40th Street is a conforming driveway.
 3. The applicant should provide testimony that parking space 101 is reserved for Unit C-01. A photo of this parking space is attached to this report.
 4. The applicant should address how solid waste and recycling storage and pickup is handled for this overall facility.

5. The architect should provide testimony as to whether the existing facility meets current ADA requirements and should also address whether the proposed conversion will be subject to ADA requirements.
6. The architect should also provide testimony as to whether the proposed residential unit conversion would require a fire suppression system.
7. 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 other FEMA regulations required by the City.
8. **If this application is approved and following memorialization of the Board's action by a resolution, the design professional should submit seven (7) copies of the plan revised to address any requirements which the Board may have. The submitted plans should be signed and sealed by the architect.**

A construction permit 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 and her professional should provide testimony as to why the Board should grant the variance relief applied for.
2. The plans submitted do not require revision unless the Board imposes conditions requiring same.
3. The Board has the discretion to grant or deny the variance relief requested.



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

AAP/dpm

Enclosure

cc:

Genell Ferrilli, Board Secretary, w/enclosure (via email)
Chris Gillin-Schwartz, Planning Board Solicitor, w/enclosure (via email)
Cornelius Byrne, Construction Official, w/enclosure (via email)
Mariah Rodia, Construction Clerk, w/enclosure (via email)
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