

# Memorandum

To: Sea Isle City Zoning Board of Adjustment

From: Andrew A. Previti, P.E.

Date: September 9, 2025

Subject: Uncle Oogie's Housing, LLC – "D" Variance Application  
106 50<sup>th</sup> Street (formally 104 & 106 50<sup>th</sup> Street)  
Block: 50.03, Lots: 22.02, 23.01 & 23.02  
C-2 Neighborhood Business District  
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0245

## Expansion of a Non-Conforming Use

### I. Background

The applicant was previously granted approval to construct a two (2) family residential dwelling structure in the C-2 Zoning District and a D1 Use Variance was approved. This is memorialized in Zoning Board of Adjustment Resolution No. 2024-06-01.

The current application is proposing to construct two (2) pools in the rear yard area of the previously approved site. Variance relief is necessary since it has been determined that what is being proposed would be an expansion of a non-conforming use (2-family dwelling in a C-2 District) as well as variance relief from setback from the main building as well as impervious coverage relief.

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

The proposed pool use is 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 documents which have been submitted for review:

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
1 of 3	Site Plan Variance Plan	Andrew C. Shawl, PE	10/11/2023	6/25/2025

- Letter to Don Wilkinson, Josephson, Wilkinson & Gilman from Andrew C. Shawl, PE dated August 29, 2025 including storm water management calculations.

The application will require a D-2 use variance as noted in the Variance Chart below as well as variances for setback from the main structure and impervious coverage variance relief as noted..

#### **VARIANCE CHART**

<b><u>Parameter</u></b>	<b><u>Required or Permitted</u></b>	<b><u>Proposed</u></b>	<b><u>Variance</u></b>	<b><u>Code Section</u></b>
1. Use	Various Commercial & Mixed Use Per Section 26-53.1	Two (2) Pools for Two (2) Family Residential Dwelling (Variance Previously Granted for Two (2) Family Dwelling)	Expansion of a Non-Conforming Use	26-17.4 & 26-53.1

#### **NOTE: D2 Variance Relief Required.**

2. Setback from Main Building To Accessory Structure	10 ft.	5 ft.	5 ft.	26-27.7a
3. Impervious Coverage	70 % Residential Use	85.7%	15.7%	26-36

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

The application as submitted is complete for review, however, there will be a need to revise the application to address comments contained in this report.

#### **III. Comments**

1. Variances are necessary for this project as noted in the Variance Chart. The proposed project would be an expansion of a non-conforming use and a D-2 variance will be required.

The proposed pool would be setback from the main structure 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 structure per the requirements of Code Section 26-27.7. The plan as submitted indicates that there will be a distance of six (6) feet from both side yards and the rear yard property lines and this would enable the applicant to provide a four (4) foot landscape green space as well as a two (2) foot solid surface around the pool side yard and rear yard areas. However, the applicant's engineer's letter of August 29, 2025 indicates that "A three foot landscape buffer has been added around three sides of the pool". This is inconsistent with the plan and therefore the engineer should provide testimony as to what is actually being proposed. If a three foot landscape buffer is being proposed, variance relief from code requirements will be necessary.

The original project had a proposed impervious coverage of sixty-nine point two percent (69.2%) which would conform to residential standards and was considered by the Board in its deliberation on granting the Use Variance. The submitted application would increase the impervious coverage to eighty-five point seven (85.7%) percent which would be non-conforming to residential standards which permits a seventy (70%) percent impervious coverage. Therefore, variance relief from the requirements of Code Section 26-36 would be necessary.

I will reserve further comment concerning the proposed setback upon hearing the design engineer's comments concerning what the actual setbacks proposed are to the pool area from the side and rear property lines.

2. The plans submitted for review of this application consists of only Sheet 1 of 3. The original approval contained three (3) sheets, Sheets 1, 2 & 3 of 3 and the applicant should address whether the submitted Sheet 1 would supplement the original approved plan set. The submitted plan set of Sheet 1 of 3 illustrates deviations from what was previously approved and this will be addressed in further comments.
3. The Zoning Conformance Schedule on Sheet 1 should be revised to address the accessory use bulk requirements relative to the setback from the main structure.
4. Code Section 26-26.7 addresses requirements for swimming pools and this requires a seventy-two (72) inch high fence around the swimming pool. The plans indicate that a six (6) foot high fence would be proposed and it appears that the fence would extend to the rear of the proposed structure with gates located at this point on each side of the building. The design engineer should confirm this.

A detail for the six (6) foot high fence should be provided as well as a detail for the self-closing/self-latching gate.

5. The design engineer should address the discrepancy between the three (3) foot landscape buffer noted in the August 29, 2025 letter and the four (4) foot buffer shown on the plans. This difference should be reconciled.
6. The proposed landscaping shown on Sheet 1 deviates from what was approved as part of the original approval. The proposed landscaping appears to reduce the number of on-site shrubbery from the originally approved twenty-two (22) shrubs to a new total of sixteen (16) shrubs. This should be addressed by the applicant.

I would recommend that the applicant attempt to provide as many of the originally proposed shrubs as possible.

7. Mr. Shawl's August 29, 2025 letter to Mr. Wilkinson contained revised stormwater management calculations to reflect the proposed pool construction. However, the August 29, 2025 letter indicates an increase in impervious coverage to four thousand six hundred eighteen (4,618) square feet from the originally approved three thousand eight hundred six (3,806) square feet. However, in the Stormwater Management Calculations the impervious is listed as four thousand five hundred thirty (4530) square feet and this should be reconciled.

I have reviewed the stormwater calculations submitted for the pool application and I have the following comments.

A. Stormwater Calculations

1. The total area of impervious coverage should be confirmed.
2. Based on the calculations submitted the proposed runoff (Q) would total zero point eight two (0.82) cfs. I actually calculate this to be zero point eight one two two (0.8122) cfs. This would change the Volume of Runoff Calculation to a total of three hundred forty-one point one four (341.14) CF and thirty (30%) of this would result in a Post Development Runoff of one hundred two point three four (102.34) CF. This slightly increases the length of the recharge trench from forty six point seven (46.7) feet as noted in the calculations to a required length of forty seven point three four (47.34) feet. **However, since the applicant is proposing to increase the recharge trench on each side to twenty four (24) lineal feet the total would therefore be forty eighty (48) lineal feet of recharge trench which would meet the requirements. However, the design calculations should be revised accordingly to accurately reflect the total runoff.**

B. Stormwater Plan

1. There does not appear to be any changes in the details shown on Sheet 2 of 3 of the originally approved plans relative to stormwater runoff. The design engineer should confirm this.
8. All conditions of the original Use Variance Relief previously granted should continue as conditions of approval on the current submission.
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 Boards action in a resolution the professional should revise the plan and provide me with an electronic copy for review. If the plans have been revised to satisfy the comments contained in this Memorandum as well as conditions imposed by the Board then seven (7) signed and sealed sets should be sent to my office for signature.**

**My letter of January 22, 2025 to the Board Secretary transmitted cost estimates for off-site and on-site improvements and I assume a performance guarantee in a form approved by the City Solicitor in the amount of nine thousand eight hundred thirty four (\$9,834.00) dollars has been posted as well as the necessary inspection fees. The plan as proposed would modify quantities somewhat, however, I do not think it is necessary that any revised cost estimates are needed nor is it necessary to modify the performance guarantee and the inspection fees.**

**A construction permit for the pools will not be issued until plans signed by the Board Chairperson, Secretary and Engineer are on file with the Construction Official. It will be the responsibility of the owner to contact the Municipal Engineer when inspections are necessary and these inspection should take place during the actual construction of the improvements. This should be a specific condition of approval.**

**IV. Recommendations**

1. The applicant and their professionals should provide testimony as to why the Board should grant the variance relief requested.
2. The plans 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 any of the variances as requested or could decide to grant some of the variance while denying others. The Board Solicitor will advise you relative to this issue.



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

AAP/dpm

cc: Genell Ferrilli, Board Secretary (via email)  
Chris Gillen-Schwartz, Planning Board Solicitor (via email)  
Cornelius Byrne, Construction Official (via email)  
Mariah Rodia, Construction Clerk (via email)  
Donald A. Wilkinson, Esquire (via email)  
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