

# Memorandum

To: Sea Isle City Zoning Board of Adjustment

From: Andrew A. Previti, P.E.

Date: April 15, 2024

Subject: Uncle Oogie's Housing, LLC - "D" Variance Application  
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

## Use Variance for Two-Family Dwelling

### I. Background

The applicant has submitted an application for a use variance for a structure not permitted in the C-2 Zoning District. The applicant is proposing to construct a two (2) family residential dwelling in this district, and this is not a permitted use.

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 (5,500 sq.ft.) square feet which would be a conforming lot in the C-2 District.

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, Plot Plan, Zoning Conformance Schedule & Notes	Andrew C. Shawl, PE	10/11/2023	3/19/2024
2 of 3	Site Plan & Variance Plan, Details & Landscape Schedule	Andrew C. Shawl, PE	10/11/2023	---
3 of 3	Site Plan & Variance Plan, Floor Plans & Elevations	Andrew C. Shawl, PE	10/11/2023	---
•	Stormwater Calculation	Andrew C. Shawl, PE	1/15/2024	---

**The proposed use of a two (2) family residence is not a permitted use in the C-2 District. Therefore, there are no specific bulk regulations for this proposed use. The Board has previously determined that in these circumstances the bulk regulations of the C-2 District would not be applicable and that the Board would apply appropriate bulk requirements to the proposed structure if the Board were to grant the use variance. I will address proposed bulk requirements in Section III of this report.**

The application will require a use variance as noted in the Variance Chart below.

**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) Family Residential Dwelling	Two (2) Family Residential Dwelling	26-53.1

**NOTE: This variance is a D1, Variance.**

**II. Determination for Completeness**

The application as submitted is complete for review however, there will be a need to revise the application to address the new Flood Zone requirements of the City as well as the comments of this report.

**III. Comments**

1. The plans prepared by Mr. Shawl include a Zoning Conformance Schedule on Drawing 1 of 3. This chart is attempting to compare the proposed two (2) family duplex with the bulk requirements of both the C-2 and the R-2 Residential Zoning District which Mr. Shawl is referring to as a reference district. I will comment on the proposed bulk issues as illustrated on Mr. Shawl's plans as follows:
  - a. The proposed structure would meet the majority of the bulk requirements of the R-2 Zoning District. The Zoning Conformance Schedule under the required column for R-2 indicates the permitted Floor Area Ratio of eighty-five (85%) percent is applicable for three (3) parking spaces. However, this is incorrect and should be corrected to either eighty-five (85%) percent for four (4) parking spaces or eighty (80%) percent for three (3) parking spaces.

The building height information for the R-2 District is not correct and does not reflect the new height requirements for all zoning districts which were implemented and became effective January 1, 2024. The maximum permitted building height in the R-2 District is thirty-one (31') feet as measured from the new Local Design Flood Elevation (LDFE). The Zoning Conformance Schedule should be revised accordingly.

All other bulk requirements are accurately shown, and the project as proposed would conform to the majority of the R-2 Residential Zoning District requirements. I would, therefore, advise the Board that the proposed bulk standards would be appropriate if the Board were to grant the use variance, except as noted below.

- b. Code Section 26-23.4 addresses driveways. This Code Section permits one (1) twenty-four (24') foot wide driveway for interior lots for residential construction.

The applicant it is proposing one (1) twenty-four (24') foot driveway. I would, therefore, advise the Board that the proposed driveway would be appropriate if the Board were to grant the use.

- c. The plans are proposing a building height of thirty-two (32') feet above Base Flood Elevation 11.0 which is the City's former Base Flood Elevation. This does not accurately reflect the new flood requirements as noted above and I cannot advise you whether the proposed height is appropriate at this time since the plans will require revision to reflect conformity to the new regulations.
  - d. The plan proposes eight (8) on-site parking spaces with two (2) of the spaces being parallel to 50<sup>th</sup> Street and blocking access to two (2) on-site spaces for each of the proposed units. The plans do not appear to provide a clear pathway which is a requirement of the building code. Therefore, the applicant should provide a letter from the Construction Official advising if what is being proposed meets the "clear path" requirements of the Building Code. I cannot advise you as to whether the proposed parking arrangement is appropriate at this time and will require the advise and input of the Construction Official in order to determine this.
  - e. The plan is proposing a Floor Area Ratio of zero point eight two (0.82). This Floor Area Ratio would be appropriate and acceptable if four (4) parking spaces were provided for each unit. The plan indicates that four (4) parking spaces would be provided for each unit however, as noted in Comment "d" above two (2) of the parking spaces which are parallel to 50<sup>th</sup> Street would block access to the four (4) other parking spaces located outside of the garage as well as to the garage itself. There is also the issue of "clear path" to the entrance to the units and I have advised that input from the Construction Official should be provided relative to whether the plan as proposed provides a "clear path" to the building entrances. Therefore, I cannot advise you as to whether the proposed Floor Area Ratio is appropriate at this time and will do so after receiving input from the Construction Official.
- 2. The plans indicate that gutters and downspouts will be installed and will be a condition of approval. **This is acceptable and should be a condition of approval.**
  - 3. The plans indicate that final utility service line access will be coordinated with the City Engineer and the Public Works Department. **This is acceptable and should be a condition of approval.**

4. The plans do not address the new requirements of Chapter 14, specifically Code Section 14-102.4 Establish Lowest Floor Elevation as amended by Ordinance 1707. This section requires the following:

**The lowest floor of an unfinished or flood resistant enclosure useable solely for the parking of vehicles, building access and crawl for residential structures shall be established two point zero (2.0) feet above top of curb and no higher than elevation seven point zero (7.0) feet unless the street is higher than elevation seven point zero (7.0) feet, in which case the top of the floor shall be no more than two (2%) percent slope to the street.**

**The plans as submitted do not address this requirement and it is not possible to determine conformance. The applicants professionals were advised of this in my March 25, 2024, email to the Board Secretary and were advised to contact the City's Flood Plain Administrator, Neil Byrne to determine what the required elevation of the lowest floor would be at this project site as well as what flood zone the property is located in and what the Local Design Flood Elevation (LDFE) for the property would be.**

5. The depressed curb detail on Drawing 2 of 3 does not conform to City Standards. I will provide Mr. Shawl a copy City's standards for depressed curbs.

The detail reflects a sixteen (16") inch depth of the depressed curb and this does not meet City Requirements. The depth for both the depressed curb in Section A and the plan view should be increased to eighteen (18")inches.

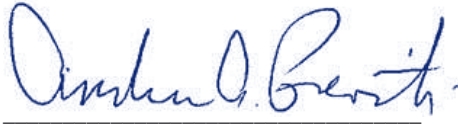
6. I have reviewed the Stormwater Management Calculations prepared by Mr. Shawl as noted in his January 15, 2024, correspondence to Don Wilkinson. I have the following comments concerning these calculations:

- a. The value of fifty point four (50.4) in the volume of trench calculations appears to be in error and should be ninety-two point zero (92.0). This would reflect a required length of trench of forty-three ( 43') feet. However, the design calculations do not include the pipe volume and while pipe volume will probably increase the amount of volume in the trench it will decrease the volume of the stone in the trench. The necessary volume for storage and recharge should be recalculated to reflect an accurate required amount of volume and should also include the pipe volume.
- b. The plan calls for two (2) thirty-two (32') foot long recharge trenches on each side of the property while the calculations call for twenty-two (22') foot long trenches on each side of the property. This should be reconciled.
- c. The calculations call for a two (2) foot deep by three (3) foot wide stone recharge trench. However, the Stone Trench Detail on Drawing 2 only reflects a two (2) foot wide trench. This should be reconciled.

7. A note should be added to Sheets 1 and 3 that storage below the Local Design Flood Elevation (LDFE) is not permitted. The actual LDFE should be noted on the plans once determined by the Flood Plain Administrator.
8. Any action taken by the Board should be conditioned on the improvements being constructed in accordance with the requirements of Chapter 14 – Flood Damage Prevention Ordinance and all FEMA regulations required by the City.
9. **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 along with cost estimates for on and off site improvements. A performance guarantee will be required for off-site improvements and Inspection fees will be calculated based on the total of both on-site and off-Site improvements. A construction permit will not be issued until plans signed by the Board Chairperson, Secretary and Engineer are on file with the Construction Official and the necessary performance guarantee and inspection fees are posted. It will be the responsibility of the owner to contact the Municipal Engineer when inspections are necessary, and these inspections should take place during the actual construction of the improvements.**

### III. Recommendations

1. The applicant and their professionals should provide testimony as to why the Board should grant the variance relief requested.
2. It is not possible at this time to address whether the project would conform to the requirements of Chapter 14 since the information necessary to do so is not on the plan. Therefore, I cannot advise the Board as to whether the application will conform to the requirements of Chapter 14.
3. The plan should be revised to reflect the comments contained in this report as well as any additional comments that the Board may have.
4. If the Board grants the use variance requested, then this action should be conditioned on the applicant submitting revised plans to address the items addressed in this report and any other items required by the Board. Any approval should also be conditioned upon the applicant obtaining all governmental approvals including approvals from the Department of Public Works relative to connection to the City's utilities as may be necessary, as well as conformance to the requirements of Chapter 14 as determined by the Flood Plain Administrator.



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)  
Andrew C. Shawl, PE (via email)  
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