

ENGINEERING DESIGN ASSOCIATES, P.A.

REVIEW MEMORANDUM #1

DATE: July 23, 2020

TO:

Joseph H. Maffei, P.E., P.P., C.M.E.
OC-160Z
ZBA 20 012 FROM:

EDA #: ZBA 20-012 **OCEAN CITY APP. #:**

MEETING DATE: TBD

RE: Block 70.05, Lot 21

50-52 Central Road

APPLICATION TYPE: Variance Application **APPLICANT:** William & Karen Perkins ZONE: Gardens G-45-5000

PLANS PREPARED BY: James E. Schwab, III, PLS & James E. Chadwick, PE, RA

Sheet	Description	Prepared By	Date	Latest Rev. Date
	Survey of Existing Improvements	James E. Schwab, III, PLS	4/23/20	5/9/20
1 of 3	Plot Plan, Schedules, Maps	James E. Chadwick, PE, RA	6/22/20	
2 of 3	Floor Plans	James E. Chadwick, PE, RA	6/22/20	
3 of 3	Building Elevations	James E. Chadwick, PE, RA	6/22/20	

The following additional documents were reviewed:

- Zoning Board Application dated 7/7/20;
- Memorandum from Lt. Brian Hopely dated 7/20/20;
- Correspondence from Mark H. Stein, Esq. dated 7/15/20;
- Report from the Ocean City Zoning Office dated 7/10/20;
- Report from the Ocean City Municipal Engineer's Office dated 7/16/20;
- Report from the Ocean City Construction Office dated 7/9/20; and
- Report from the Ocean City Shade Tree Office dated 7/22/20.

Zoning Requirements – Gardens G-45-5000

	<u>Required</u>	Existing	Proposed	<u>Variance</u>
Principal Structure				
Use	1 Family	2 Family	2 Family	YES
Minimum Lot Area	5,000 SF	5,500 SF	5,500 SF	NO
Minimum Lot Width	45'	50'	50'	NO
Minimum Lot Frontage	45'	50'	50'	NO
Minimum Setbacks:				
Front Yard	15'	11.3′(1)	11.3'	YES
Side Yard (N)	6'	3.6'(1)	3.6'	YES
Side Yard (S)	6'	10.5'	10.05'	NO
Side Yard (Total)	13'	13.65'	13.65'	NO
Side Yard to HVAC	4.8'	N/A	7.18'	NO
Min. Rear Yard to Bldg.	27.5'	56.7'	54.42'	NO
Min. Rear Yard to Stairs	27.5'	54.5'	41.9'	NO
Minimum Lot Depth	100'	110'	110'	NO
Maximum Building Height				
(Pitch Roof)	30'	15.3'	30'	NO
Total Stories	2.4	2	2	NO
Maximum FAR	75%	41.6%	44.9%	NO
Maximum Building Coverage	35%	21.3%	26.1%	NO
Maximum Impervious	60%	42.6%	49.3%	NO
Coverage				
Minimum Parking Spaces	4	$0^{(1)}$	4	NO
Gutters	Required	No ⁽¹⁾	Provided	NO

(1) Existing non-conforming condition

Project Description

The Applicant is seeking Variance Approval to renovate the existing two-family dwelling. The proposed structure will remain a two-family dwelling. The proposed renovations consist of the following:

- Convert the existing ground level living space into a garage;
- Construction of a second floor above the existing top living space;
- Removal of the existing ground level sunroom;
- Construction of a sunroom above the existing top sunroom;
- Expansion of the existing top living space at the rear of the structure. The proposed second floor shall also match the expansion footprint; and
- Construction of rear decks for existing top living space and the proposed second floor.

Review Comments:

Based on our review of the project documents, we offer the following comments:

1. A "D2" Variance from Section 25-204.15.2 for the expansion of a Non-Conforming Use is required.

- 2. "C' Variances are required for the following, as the construction of the second floor is a vertical expansion of the existing non-conforming conditions:
 - Minimum Front Yard Setback Section 25-204.15.5; and
 - Minimum Side Yard Setback Section 25-204.15.5, Schedule C.
- 3. The Zoning Chart shall be expanded to include the requirements, existing and proposed conditions for the Rear Yard Setback to both the building and the stairs.
- 4. The Zoning Chart shall be expanded to include the requirements, existing and proposed conditions for the Side Yard Setback to the HVAC equipment.
- 5. Construction details for the following shall be provided:
 - Concrete Curb
 - Concrete Depressed Curb
 - Concrete Apron
 - Concrete Sidewalk
 - Tree Planting
- 6. The plans indicate the proposed curb to be raised about 4" on the south end and about 2½" on the north end. The curb should match the existing elevations at each end.
- 7. The proposed sidewalk to be removed and replaced along Central Road shall be indicated to match the existing elevations at each end.
- 8. Any plan revisions as required from any approval shall be completed.
- 9. Provide an Engineer's Estimate for all public site improvements.
- 10. Provide a Performance Guaranty for all public improvements and the street trees.
- 11. An Inspection Escrow shall be posted with the City of Ocean City.
- 12. Copies of any outside agency approvals shall be provided.

JHM/km Enclosures

cc: Jaime M. Felker, Board Secretary
Ken Jones, Zoning Officer
Mark H. Stein, Esquire
James Chadwick, PE, RA
James E. Schwabb, III, PLS
William & Karen Perkins, Applicant
All above via email



Picture 1 View of front of dwelling on 7/20/20



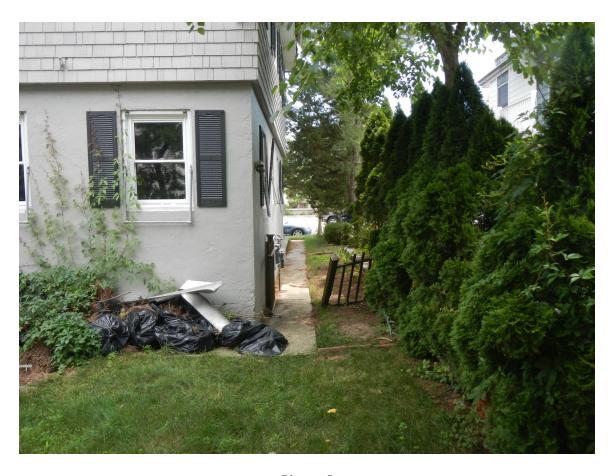
Picture 2 View of southerly property line looking west from street on 7/20/20



Picture 3
View of existing sidewalk along Central Road looking north on 7/20/20



Picture 4 View of rear of dwelling on 7/20/20



Picture 5 View of southerly property line looking east from backyard on 7/20/20



 $\label{eq:Picture 6} Picture \, 6$ View of northerly property line looking east from backyard on 7/20/20



PART II

DEVELOPMENT APPLICATION

PLEASE COMPLETE ALL SECTIONS OF THIS APPLICATION

CH	IECK ONE: ZONI I	IG BOARD	APPLICATION_	X_PL	ANNING BOARD	APPLICATI	ON
A.	Applicant's Name_	WILLIAN	I & KAREN PERK	<u>INS</u>			
	Applicant's Mailin	Mailing Address 125 ALAMEDA AVE. ABSECON, NJ 08201					
	*Applicant's E ma	ail Address_	KDHANSON13@)COMC	AST.NET		
	Phone Number (Ho	me)		(V	Vork)		
	Owner's Name	SAME AS AI	BOVE				
		Į.					
	Relationship of app	licant to own	er (i.e. same person		, agent, purchase un e)		
	Location of Premis	es <u>50-52</u>		CEAN (reet add	CITY, NJ 08226 ress)		,
	Block(s)	70.05	Lot(s) 21 (Ta	x Map 1	Zone _reference)	G-45-5	000
FL FIF FIF EX NE	Description the ap OOR DWELLING RST FLOOR PLAN RST FLOOR. CONS RSTING FIRST FI W SECOND FLOO ID SECOND FLOO	UNIT INTO , AND CON STRUCTION LOOR SUNR OR SUNRO	A TWO CAR GA ISTRUCTION OF I OF A FIRST & S COOM WITHIN TO DM. CONSTRUCT	ARAGE A NEV ECONI HE SA TON O	. RENOVATION/ V SECOND FLOO D FLOOR REAR D ME FOOTPRINT, F NEW STAIRS U	ADDITION TO R PLAN TO ECK. RECOM AND CONST JP TO THE I	TO EXISTING MATCH THE NSTRUCTING A FIRST FLOOR
C.	Please check the ty	pe(s) of appro	ovals requested:			·	
	☐ Minor Subd	ivision 🗌	Major Subdivision	X	, "C" Variance □	"D" Variance	;
	☐ Preliminary	Site Plan	Final Site Plan		Conditional Use□	Appeal	
	☐ Interpretation	on 🗵	Use Variance		Minor Site Plan□		



D.	. Request is hereby made for permission to (erect, alter, convert, use) a DUPLEX					
	1) Said property is: 50.00' x 110.00' (5,500 SQ. FT.)					
(Give dimensions and area) and has the following structures: TWO STORY DWELLING 2) Size and setbacks of existing building:						
	Height: 15.3' ABOVE Z.F.E.	Stories: TWO				
	Front: 11.3'	Rear:56.8'				
	Side: 10.05'	Side: 3.59'				
	% Building Coverage: 1,170 SQ. FT. (21.3%)	% Impervious Surface Coverage: 42.6%				
3) Size and setbacks of <u>proposed</u> building and/or addition:						
	Width of building: 36,19'	Length of building: 43.94'				
	Height: 30' ABOVE Z.F.E.	Stories: 2				
	Front: 11.3'	Rear: 41.9' TO STAIRS				
	Side: 10.05'	Side:3.59'				
	% Building Coverage: 1,434 SQ. FT. (26.1%)	% Impervious Surface Coverage: 49.3%				
	4) Date property acquired and prevailing zoning at time of	acquisition: 2018				
	5) Has there been any previous appeal, requests or a Construction Official, or other City Official involving the					
	"If yes, state the nature, date and the disposition of sa copy of the building permit or any other pertinent information."					

Applicant applied for zoning and construction permits to restore duplex to pre-flood conditions. Permits were denied as cost of renovation of duplex would exceed 50% of the value of the existing structure and the owners are thus required to raise the structure to set the first habitable floor at the minimum required floor elevation. This is impracticle as the first floor of the structure is concrete

block.



- 6) When variance approvals are requested:
 - a. Describe the exceptional conditions of property preventing application from complying with Zoning Ordinance.
 - b. Supply a statement of facts showing why relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
- 7) All applicants must complete the following, as applicable:

Type of construction: (frame, stone, brick, cement) MASONRY & FRAME STRUCTURE				
Present use of existing building(s) and premises: RESIDENTIAL DUPLEX				
Describe any deed restrictions affecting this property: N/A				
Existing and proposed number of dwelling units: 2/2				
Existing and proposed square footage of professional office: N/A				
Existing and proposed gross floor area: 2,338 SQ. FT./2,466 SQ. FT.				
Existing and proposed parking spaces: 0 EXISTING /4 PROPOSED				
Existing and proposed number of lots: 1/1				
Portion of lot being subdivided: N/A				
Purpose for which lots will be utilized: RESIDENTIAL DUPLEX				
Facilities for solid waste and recyclables.				
A photograph(s) of the land and building(s) involved in the application.				
Names, addresses and E-mail of all expert witness proposed to be used:				
Jamesechadwick@aol.com				

8) If the applicant is a corporation or partnership, the names and addresses of all stockholders or partners owning 10% or greater interest in said corporation or partnership shall be set forth in accordance with P.L. 1977 Ch. 336.

(If applicable, attach list)



ESCROW FEES SUBMITTED

FINANCIAL RESPONSIBILITY STATEMENT

Section 25-1300.15.2 Amounts Specified Are Estimates, of the Ocean City Zoning Ordinance, 88-27, Volume II, reads as follows:

The amounts specified for escrow deposits are estimates, and it is recognized additional escrow fees may be necessary in particular applications. In the event that more than the amount specified for escrow is required in order to pay the reasonable costs incurred, the applicant, shall prior to being permitted to move forward in the approval procedure, or prior to being permitted to move forward in the approval procedure, or prior to obtaining Certificates of Occupancy for any portion of the application project, pay all additional required sums.

I have read Section 25-1300.15.2 and understand that additional escrow fees may be charged at a later date. I herewith agree to pay these additional charged fees. If I fail to pay these fees when requested, I understand that the City will also charge reasonable attorney's fees for the collection of these fees.

Please Print Clearly

WILLIAM & KAREN PERKINS

(Daytime Phone)

125 ALAMEDA AVE. ABSECON, NJ 08201

(Billing Address)

Signature

(Date)

Note: The application will be deemed incomplete if all information above is not fully completed.



(Name of Applicant or Attorney Representing)	Being duly sworn	
according to law hereby certifies that the information		ion is true and accurate.
If applicant is not the owner of the property, have signed by the owner consenting to this application.	owner sign below or file	with application a lette
The foregoing application is hereby consented to this	day of	,20
(Signature of property owner)		
(Address)		
(Telephone Number)		
Sworn and subscribed before me:		•
This day of 20		
Signature of Person authorized to take oaths - No	tary	



PART III

ADMINISTRATIVE COMPLETENESS

<u>APPLICATION CHECKLIST</u>
(Please submit with your application document)

NAME OF APPLICANT:	WILLIAM & KAREN PERKINS	······································
NAME OF OWNER:	SAME AS ABOVE	
NAME OF PROFESSIONAL(S):	JAMES E. CHADWICK, P.E. & R.A.	
Required Documents		
a) One original & 5 copies of the	application WITH the completed Checklist	X
b) One original & 5 copies of the Chapter 1500 of the City Ordin	required plat meeting requirements set forth in nance	X
c) Required Application Fees as a	set forth in Chapter XXX of the City Code	X
d) Copy of CAFRA application of	r written explanation of why one isn't needed	X
e) Copy of NJDEP Wetlands app	lication or written explanation of why one isn't needed	X
f) Current signed and sealed Surv	vey of property (less than 1 year old)	X
g) Other submittals required by E	Board Professionals (if any)	X
h) Written description and justific	cation for Waivers & Variances	X
 i) Certified list of persons to who administrative officer of the ap 	m notice must be sent, as compiled by the proper propriate municipality (Tax Assessor).	X
j) Proof from the Tax Collector th paid to date	at real estate taxes and local Assessments have been	X
k) (For Subdivisions only) A Cert	ificate of Title	N/A



PLAT REQUIREMENTS VARIANCE §25-1500.6.2

NA	AME OF	APPLICANT:	WILLIAM & KAREN PERKINS	
NA	AME OF	OWNER:	SAME AS ABOVE	
BL	OCK: _	70.05 LOT: <u>21</u>	_ADDRESS:50-52 CENTRAL RD.	
pro	enty fee ovisions	t (20') to the inch, v	e plan for a variance shall be drawn at a scale of not less than with North oriented to the top of the page, shall conform to the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., and shall include or be a specified below:	
		with N.J.A.C. 13:4	shall be based upon a current boundary survey prepared in 10-5.1, Preparation of Land Surveys, certified to the owner and than twelve (12) months prior to the date of application.	x
	2. juired tv es).		all four (4) corners of the subject parcel (oceanfront parcels of elevations, one (1) at midpoint on each of the two (2) side lot	x
b.	Title B	lock. A title block sh	all appear on all sheets and include:	
	1.	Title to read "Varia	nce Plan."	x
	2.	Tax map sheet, bloo	ck and lot designation.	x
	3.	Street address.		x
	4.	Name of the applica	ant and owner.	X
	5.	Date (of original an	d all revisions).	X
pla	6. n.	Name, signature, a	ddress and license number of the professional who prepared the	X
c.	Detaile	ed Information.		
to :	surround eets and	oriented to top of the ling areas, existing s	ale of not less than one inch (1") equals one thousand feet (1,000') ne page, showing the location of the subject parcel with reference streets which intersect or border the parcel, the names of all such oundaries and City boundary which is within five hundred feet	X
wit Cit			dresses of all owners, and property classifications of all parcels of the subject parcel as shown by the most recent records of the	v



during their review of the application.

CITY OF OCEAN CITY DIVISION OF PLANNING 115 12th Street OCEAN CITY, NJ 08226 609-399-6111 * FAX 609-525-2496

3. A portion of the current Ocean City Zoning Map showing the subject parcel and zone district boundaries, existing easements, watercourses, floodways and flood hazard areas within two hundred feet (200'), and the width of the right-ofway of each street within two hundred feet (200') of the subject parcel.	x
4. A zoning schedule showing all zoning requirements applicable to the parcel in question, existing conditions, proposed conditions and extent of applicant's compliance with the zoning requirements.	x
5. All existing structures, with an indication of those which are to be removed, and the front, rear and side yard dimensions of those to remain, referenced to existing lot lines.	x
6. All proposed private and public easements or rights-of-way and the purposes thereof.	x
7. North arrow.	x
8. Written and graphic scales.	X
9. All required endorsements or certifications and space for the appropriate signatures.	X
10. A copy of any existing or proposed covenants or deed restrictions applying to the land being subdivided or certification that none exists. Such certification may be in letter form signed by a member of the New Jersey Bar, by a title officer or authorized agent of a title insurance company licensed to do business in New Jersey.	n/a
11. Such other information as the Board Engineer and/or Planner may require or request	

Addendum to Zoning Variance Application

Perkins Duplex – 50-52 Central Rd, Ocean City, NJ

6.a: Describe the Exceptional Conditions of Property Preventing Application From Complying With Zoning Ordinance-

Response: The property contains an existing duplex located on a conforming non-alley lot. The duplex is a two-story, masonry and wood frame building with traditional first and second floor dwelling units. The property is located in a single-family zone so the duplex is an existing nonconforming use. The structure suffered significant water damage in Hurricane/Superstorm Sandy and in winter storm Jonas. The applicants/owners attempted to renovate the first-floor dwelling unit but were denied a building permit as the cost of the required work exceeds ½ of the value of the structure. Under these conditions the owner is required to raise the first habitable floor so that the floor is above the BFE+3' elevation. Typically, the entire physical structure would be raised/lifted. Such an operation is impractical in this instance, however, because the exterior first floor walls of the structure are constructed of 8" CMU. Given the above, and because the building has limited storage facilities and currently no on-site parking space, the applicants/owners proposes to eliminate the lower lever dwelling unit and convert that space into garage and storage. The existing second floor dwelling unit will remain and the applicants/owner propose construction of a new dwelling unit above to replace the dwelling unit eliminated at the new garage level below. Even though the dwelling will remain a two-family structure a use variance is required due to construction of the new second floor dwelling unit. There is also a minor increase in floor area to aid the interior circulation. The applicants/owners also propose to eliminate the existing first floor sunroom to provide access to the new garage and will reconstruct the sunroom at the second floor above on the same footprint. The proposed work described above will also require bulk variances for the existing non-conforming side yard setback. These non-conforming setbacks are previously existing and are merely being relocated upwards as a result of the relocation of habitable space eliminated at the ground floor level of the structure.

6.b: Supply a Statement of Facts Showing Why Relief Can Be Granted Without Substantial Detriment to the Public Good and Will Not Substantially impair The Intent and Purpose and of the Zone Plan and Zoning Ordinance-

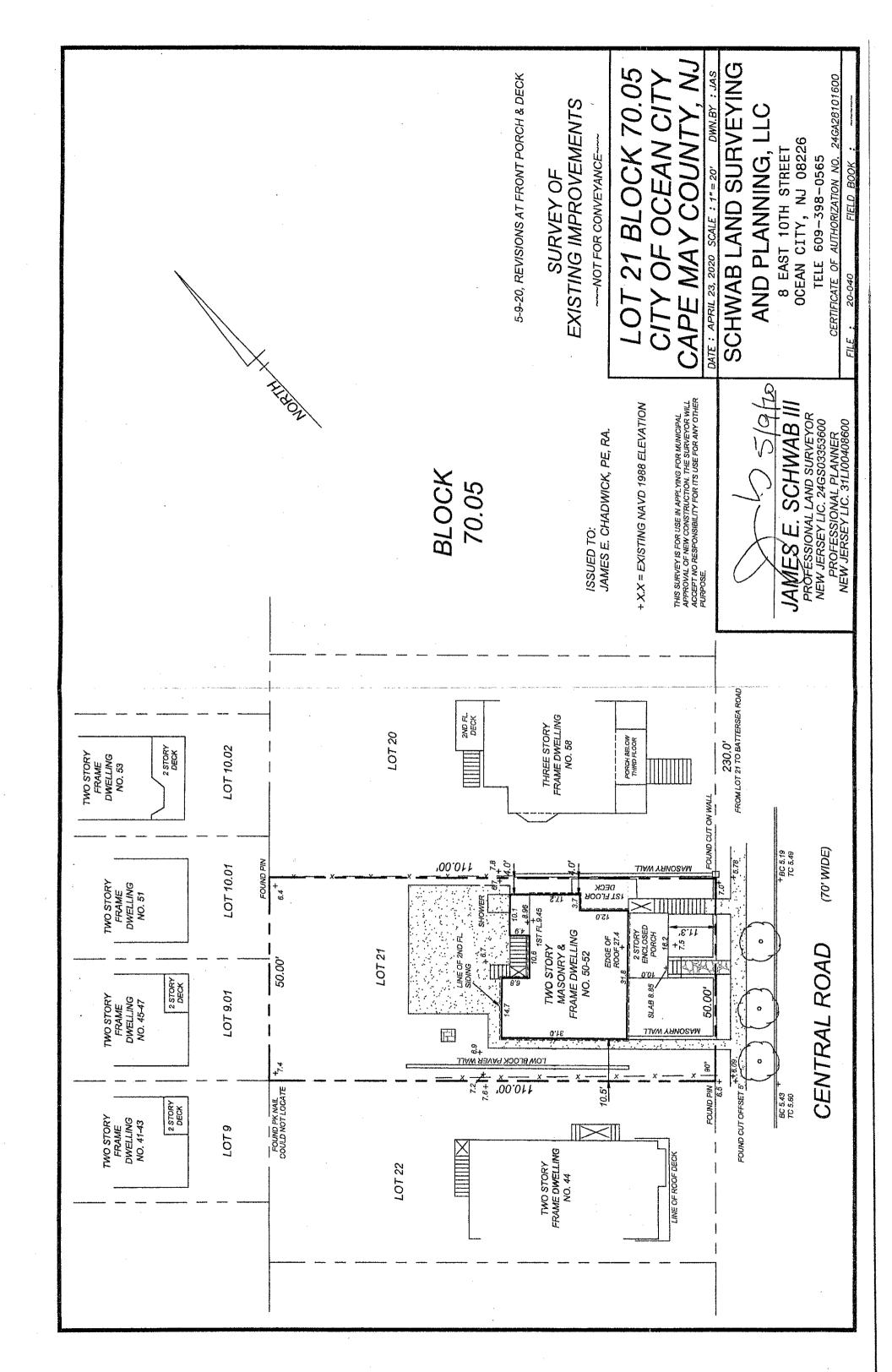
Response: The applicants do not desire to spend many thousands of dollars to raise the habitable floor level of their structure however the FEMA guidelines as enforced by the city construction office are quite clear that the lowest habitable floor level must be elevated to safeguard their home and valuables above flooding levels.

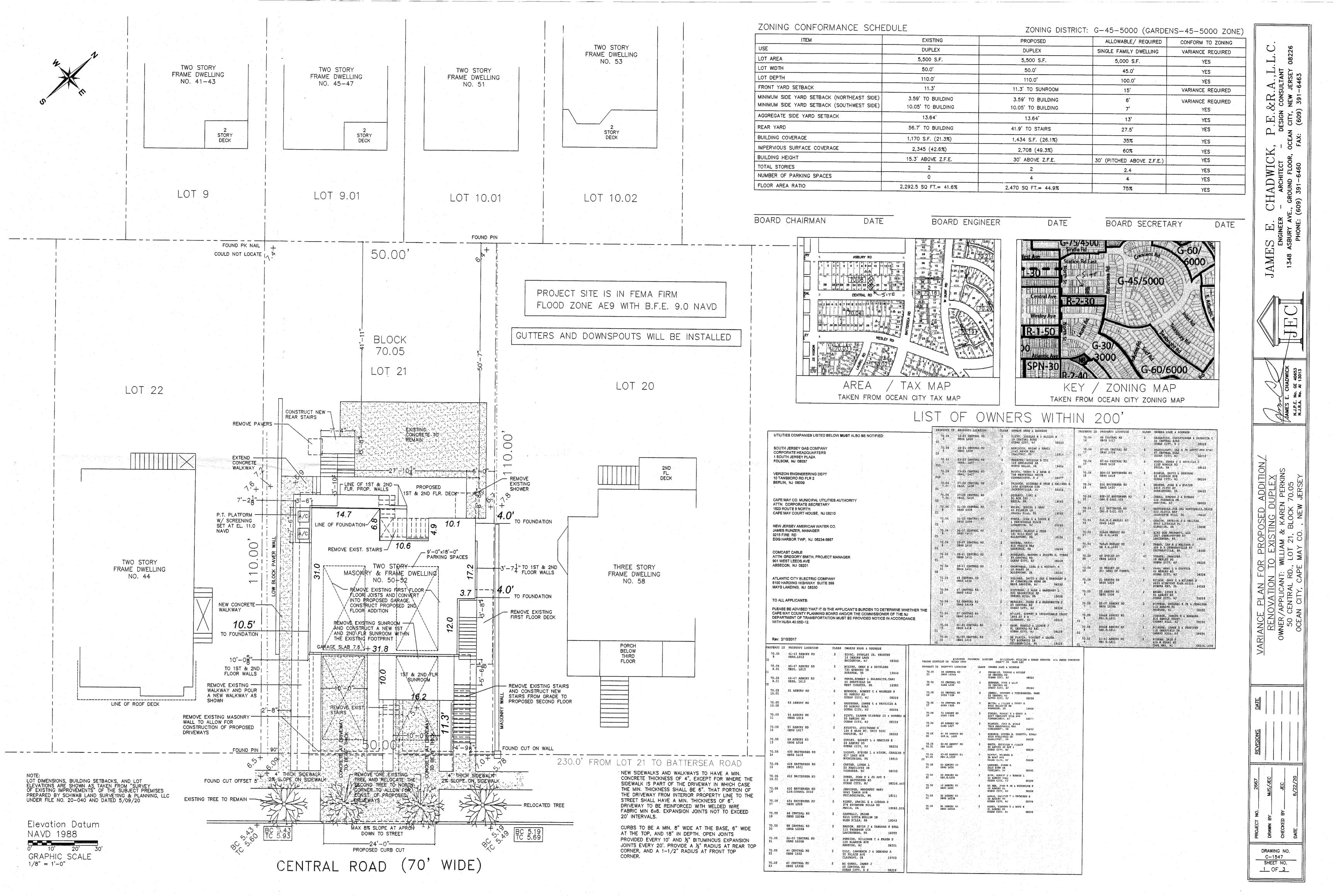
The applicants propose to make their structure building code compliant and FEMA compliant by reconstructing the eliminated dwelling unit above the existing structure and converting the former lower level dwelling unit into garage and storage. As a result, a site that currently has no on-site parking will now be provided with four (4) conforming on-site parking spaces. Despite adding a new floor level, the building will still be in compliance with the allowable building height. In the course of the work a first-floor deck that substantially encroaches into the side yard setback will be removed and the applicant will incorporate additional changes to the façade of the building so as to significantly improve the aesthetics of the structure.

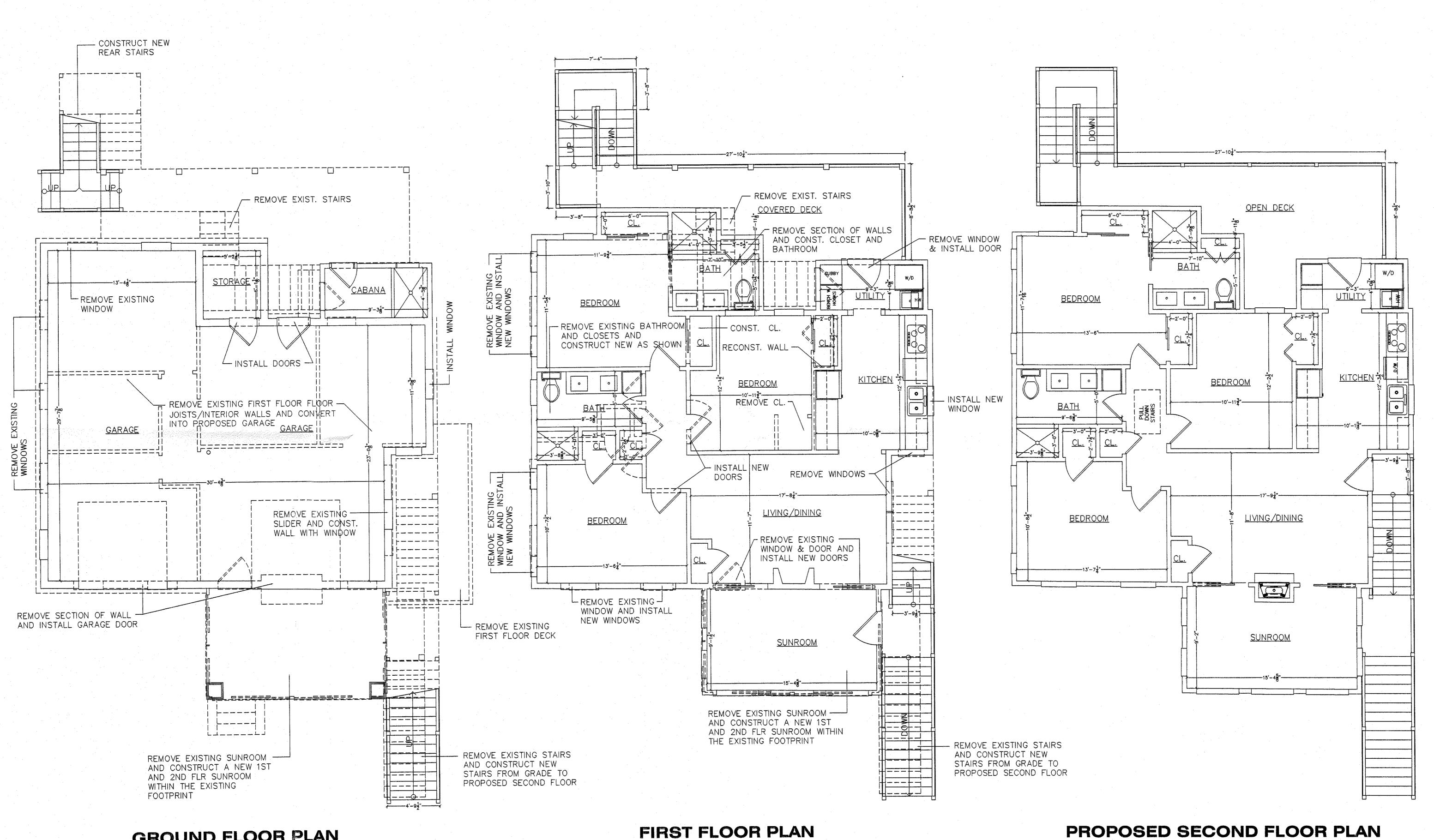
In conjunction with altering the structure to re-create the dwelling unit eliminated at the ground floor level the applicant has proposed a small increase in floor area at the rear of the building to accommodate a new small bathroom and closet at each habitable floor level. Despite this small addition, the structure has a calculated building coverage of 26.1% as compared to the 35%

allowable. Additionally, the calculated impervious coverage of 49.3% is significantly below the allowable 60%.

Based upon the above, it is the opinion of the writer that there are significant benefits to be derived by approval of this project and that the benefits to be obtained outweigh any detriment related to that approval. The writer believes that the variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. The elimination of the grade level dwelling unit is not a voluntary action but is one of necessity and code compliance due to the repetitive losses incurred at the property and the implementation of the FEMA 50% rule. Denial of the ability to reconstruct the dwelling unit would be considered an extreme undue hardship upon the applicant. The significant aesthetic improvements are a valid special reason for granting the required use variance







SCALE: 1/4"= 1'-0"

GROUND FLOOR PLAN

SCALE: 1/4"= 1'-0"

AMES

DRAWING NO. C-1547 SHEET NO. 2 OF 3

PROPOSED SECOND FLOOR PLAN SCALE: 1/4"= 1'-0"

