

City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, June 22, 2017

Opening: In compliance with the Open Public Meetings Act of 1975, adequate notice of the meeting was provided. Chairperson Hutchinson called the meeting to order at 6:00 P.M.

Roll Call:	Mrs. Hutchinson, Chairperson	Present
	Mr. Murray, Vice Chairperson	Present
	Mr. Iurato	Present - arrived at 6:05 PM
	Mrs. McAlinden	Present
	Mrs. Werner	Present
	Ms. Hesel	Present
	Mr. Van de Vaarst	Present
	Mr. Mullock (Alt. 1)	Present
	Mrs. Lukens (Alt. 2)	Present

Also Present: Richard King, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer
Tricia Oliver, Board Assistant

Minutes:

Motion made by Mrs. Werner to adopt the minutes of April 27, 2017, seconded by Mrs. Lukens and **carried 4-0.** Those in favor: Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Van de Vaarst, Mr. Mullock, Mr. Murray.

Motion made by Mr. Murray to adopt the minutes of May 25, 2017, seconded by Mr. Van de Vaarst and **carried 5-0.** Those in favor: Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Mullock.

Resolutions:

Motion made by Mrs. Werner to approve Resolution number 06-22-2017:1, 1302 Massachusetts Avenue, Block 1143, Lot(s) 1, seconded by Ms. Hesel and **carried 5-0.** Those in favor: Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. McAlinden, Mr. Mullock.

Motion made by Mr. Murray to approve Resolution number 06-22-2017:2 Carl Depativo, 1515 Yacht Avenue, Block 1160, Lot(s) 13, 14, & 14.01, seconded by Mrs. McAlinden, and **carried 6-0.** Those in favor: Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Mullock.

Motion made by Mrs. Hutchinson to approve Resolution number 06-22-2017:3 VT Urban Renewal, LLC "Victorian Towers", 608 Washington Street, Block 1058, Lot(s) 1 & 34,

seconded by Mr. Van de Vaarst and **carried 6-0**. Those in favor: Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Mullock.

Applications:

Martha Q. Robinson & John J. Azar
2 Swan Avenue
Block 1100, Lot(s) 1

Jeffrey P. Barnes, Esquire, Pamela Fine, R.A., of Fine Architecture, Matthew Hender, Professional Planner, and Board Engineer Craig Hurless, PE, PP, CME were sworn in and stated their credentials for the record.

Representative, Jeffrey P. Barnes, Esquire, gave a brief overview of the existing single family dwelling and the proposed expansion; stating that the oddities of the lot itself, including 2 front yard setbacks, create the look of a "slice of pizza", which is irregular when compared to neighboring lots. A previous variance for side yard setback was granted for the demolition of a storage building and the construction of an attached garage addition with deck.

Ms. Fine summarized the submitted plans to show comparison of the existing structure to the proposed addition for the membership. She explained that the footprint of the building is remaining substantially the same with small additions that will be limited to the building envelope.

Mr. Hender, testifying on behalf of the applicant, described the site survey to illustrate existing landscape conditions versus what is proposed, including the removal of a concrete pad along Wenona Avenue, and installing a new walkway from Swan Avenue; essentially relocating the entire entryway. The proposed expansion on the dwelling would raise the height approximately 3.7 feet, however, this would be in accordance to flood elevation standards. Mr. Hender continued on to explain that the lot itself is an open corner area and that the proposed expansion would be of no detriment to the neighborhood, introducing desirable visual elements that would enhance the look of the home as well as the neighborhood.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated May 4, 2017. He reviewed the two (2) variances required in detail (page 3 of 5) §525-16.1B(1) Table 1 Building Setback - Swan Avenue, and §525-16.1B(1) Table 1 Building Setback - Wenona Avenue, addressing the unnecessary need for additional variances for §525-16.1B(1) Table 1 Side Yard Setback, and §525-49C(1) Parking - Number of Spaces; detailing that a third parking space can be accommodated by widening the existing driveway, eliminating the curb side parking. Mr. Hurless also indicated that the application, as proposed, will in fact maximize the floor area ratio to its fullest extent. As a condition of approval, applicant must provide revised site plans.

1. §525-16.1B(1) Table 1 Building Setback - Swan Avenue
2. §525-16.1B(1) Table 1 Building Setback - Wenona Avenue

The General Review Comments 1-15 (pages 4 & 5 of 5) were reviewed and explained in detail, with item numbers 1-13, and 15 being classified as conditions of approval.

Discussion was opened to the public within 200 feet at 6:40 PM

Therese Schireson, 952 Sewell Avenue, spoke in opposition of the application, citing for the record that the neighborhood has homes that are low, encouraging a lot of light, air, and open space. She continued to explain that the proposed expansion of the current dwelling was inappropriate for the neighborhood, and she believes that a larger structure would impact the drainage, which is she believes is already an issue in this area.

Discussion was opened to the public beyond 200 feet and closed at 6:45 PM.

Motion was made by Mr. Mullock to approve §525-16.1B(1) Table 1 Building Setback - Swan Avenue and §525-16.1B(1) Table 1 Building Setback - Wenona Avenue variances with waiver numbers 13 and 19 (page 2 of 5) being granted subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated May 4, 2017 seconded by Mrs. McAlinden and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Members stated their reasons for their votes in the positive for the record.

*Donato & Patricia Giusti
1219 Maryland Avenue
Block 1133, Lot(s) 29 & 30*

Vince Orlando, EDA, Professional Planner, and Joe Gittle, Project Draftsmen, were sworn in and stated their credentials for the record.

The representative for the applicant, Jeffrey P. Barnes, Esquire, gave a brief summary of the proposed demolition of the existing one story dwelling and construction of a new two story dwelling with detached garage.

Mr. Gittle detailed the renderings submitted of the proposed construction, explaining that the house directly next to this site is very similar. He mentioned that the new construction would also be lifted to comply with current FEMA height standards.

The site plan and landscape design were then summarized by Mr. Orlando, including details of each variance sought by the applicant. Lot coverage was addressed by Mr. Orlando in the effect that the variance sought by the applicant is triggered by the driveway. He also testified that the proposed construction is consistent with the character of the neighborhood.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated May 3, 2017. He reviewed the checklist items for the C and D variances (page 2 of 5), with waiver request for item 4 being supported. Mr. Hurless explained the three (3) variances required in detail (pages 3 of 5):

1. §525-15B(1) Table 1 Lot Size
2. §525-15B(1) Table 1 Lot Width & Lot Frontage
3. §525-15B(2) Lot Coverage

The General Review Comments 1-12 (pages 4 & 5 of 5) were reviewed and explained in detail, with item numbers 1-10, and item number 12, being classified as conditions of approval.

Discussion was opened to the public within 200 feet and beyond at 7:15 PM, and closed with no public coming forward to comment.

Motion was made by Mr. Murray to approve §525-15B(1) Table 1 Lot Size, §525-15B(1) Table 1 Lot Width & Lot Frontage, §525-15B(2) Lot Coverage, with waiver number 4 being granted, subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated May 3, 2017, seconded by Mrs. Werner and carried 7-0. Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Members of the Board stated their reasons for their vote for the record.

***Cape Elmira Owner 2, LLC
527 Elmira Street
Block 1061, Lot(s) 10***

The representative for the applicant, Anthony Monzo, Esquire, and Robert Shepanski, Project Manager, were sworn in and stated their credentials for the record.

Anthony Monzo, Esquire, gave a brief summary of the currently vacant lot, including an overview of the proposed construction of a new single family dwelling and their conceptual approval from HPC.

Robert Shepanski detailed the parameters of the existing lot, referring to plans dated 11/8/2016, with a most recent revision date of 4/19/2017. Mr. Shepanski also referred to architectural renderings by The Design Collaborative Architects & Planners P.A.; he summarized the details for the proposed construction. Such details would match a simplistic "old railroad" style home that is typical to the area and would coincide with the existing streetscape.

Professional Planner, Matthew Hender also spoke on behalf of the application, summarizing the location of the vacant lot, referring to the submitted variance plans; including particular explanation of the existing undersized lot triggering the need for a hardship variance. Mr. Hender also addressed a "flag lot" in the rear and explained that this is a related ownership to the applicant.

This lot is used for professional offices and it was stated for the record that not much traffic is present coming in and out. Mr. Hender continued to explain that the proposed construction does not exacerbate the conditions of the lot; stating that the required eight foot side yard setbacks are met, if measured from the home and that it is the eave encroachment of the roof that creates the non-conformity.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated May 10, 2017. He reviewed the checklist items for the C and D variances (page 2 of 5), with waiver request for item 27 being supported. Mr. Hurless explained the three (3) variances required in detail (pages 3 of 5):

1. §525-16B(1) Table 1 Lot Size
2. §525-16B(1) Table 1 Lot Width & Lot Frontage
3. §525-16B(1) Table 1 Side Yard Setbacks

The General Review Comments 1-13 (page 4 & 5 of 5) were reviewed and explained in detail, with each of those items being classified as conditions of approval.

Discussion was opened to the public within 200 feet and beyond at 7:47 PM

Robert Trent, 529 Elmira Street, spoke in favor of the application, citing for the record that the proposed is a big improvement to the street and will eliminate the trash that currently gets blown onto the vacant lot.

Motion was made by Mr. Murray to approve §525-16B(1) Table 1 Lot Size, §525-16B(1) Table 1 Lot Width & Lot Coverage, §525-16B(1) Table 1 Side Yard Setbacks, with waiver number 27 being granted, subject to all conditions of approval as discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated May 10, 2017, seconded by Mrs. McAlinden and carried 6-0. Those in favor: Mr. Iurato, Mrs. McAlinden, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: Mrs. Werner. Those abstaining: None.

Mrs. Werner stated her opposition for the record.

Motion made by Mr. Murray, seconded by Mrs. Hutchinson, to adjourn the meeting at 7:48 PM with all in favor.

Respectfully Submitted, Tricia Oliver/Board Assistant.