

CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

ZONING BOARD OF ADJUSTMENT

1999

Annual Report Zoning Board Adjustment

This Annual Report has been prepared pursuant to N.J.S.A. 40:55D-70.1+

I.	Type of Applications	Number of Applications	Approved Applications	Percentage Approved	Percentage of Total Applications Heard
	Site Plans	5	4	80	2
	Amended Site Plan	1	1	100	<1
	Minor Subdivision	2	2	100	1
	Conditional Use	2	2	100	1
	Appeal	2	1	50	1
	"D" Variance (Use)	30	26	87	14
	"C" Variance	<u>175</u>	<u>163</u>	<u>92</u>	<u>81</u>
	TOTAL	217	199	92%	100%

II.	Type of "C" Variance	Number of Variances	Approved Variances	Percentage Approved	Percentage of Total "C"
	Floor Area Ratio	1	0	0	<1
	No. Parking Spaces	1	1	100	< 1
	Parking Buffer	1	0	0	< 1
	Impervious Coverage	1	1	100	< 1
	1 st Floor Elevation	5	5	100	3
	3 rd Habitable Story	5	5	100	3
	Lot Width	12	12	100	7
	Front Yard	18	17	94	10
	Building Coverage	19	18	95	11
	Lot Area	25	24	96	14
	Rear Yard	26	25	96	15
	Side Yard	29	27	93	17
	Building Height	<u>32</u>	<u>28</u>	<u>88</u>	<u>18</u>
	TOTAL:	175	163	93%	100%

III. MEETINGS

<u>MONTH</u>	<u>NO. OF MEETINGS</u>	<u>APPLICATIONS HEARD</u>
January	3	14
February	2	11
March	1	4
April	2	8
May	2	8
June	2	8
July	1	4
August	2	9
September	2	8
October	2	13
November	1	10
<u>December</u>	<u>1</u>	<u>6</u>
TOTAL	21	103

IV. SUMMARY

- In 1999 in addition to variances the Zoning Board heard a variety of applications including minor subdivisions, appeals and conditional uses.
- The number of "C" variances requested decreased from 244 in 1998 to 175 in 1999.
- Eighty-one (81%) of the total applications were for "C" variances.
- Building height, side yard, lot area and rear yard variances were the most common "C" variances.
- There was an increase in the approval rate of "C" variances in 1999; 93% were approved in 1999 while 84% were approved in 1998.
- Lot width variance requests decreased to 12 in 1999 from 27 in 1998.
- Lot area, building height, front yard and building coverage variance requests were all reduced by approximately twenty-five percent between 1998 to 1999.
- The number of "D" (Use) variances also decreased in 1999. There were 30 requested in 1999 where 34 were requested in 1998.
- The total number of *applications heard* decreased from 152 in 1998 to 103 in 1999.

V. RECOMMENDATIONS

Based on the frequency and distribution of variances noted in Section I and Section II above, the Zoning Board recommends that the following zoning standards be reviewed and revised as necessary:

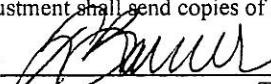
- Building Height
- Side Yard*
- Rear Yard
- Lot Area**

* Ordinance 99-20 may have alleviated many of the side yard variances requested in 1999.

** Since most variances involving existing conditions for non-conforming lot width (12 of 12) and lot area (24 of 25) were granted in 1999, a "grandfather clause" acknowledging these pre-existing conditions exempting them from the variance process should be provided for in the ordinance.

+ N.J.S.A. 40:55D-70.1. The Board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolutions a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of adjustment shall send copies of the report and resolution to the governing body and Planning Board.

Prepared By:



Tammy D. Barner

Dated: April 19, 2000
revised June 19, 2000

2001
Annual Report
Zoning Board Adjustment

This Annual Report has been prepared pursuant to N.J.S.A. 40:55D-70.1*. This report details the types of applications heard by the Zoning Board in 2001, the number of public hearings and provides a summary of activity.

I.	Type of Approval	Approvals Requested		Approvals Granted	
		Number	Percentage	Number	Percentage
	Amended Site Plan	1	1	1	100
	Site Plan	4	2	4	100
	“D” (Use) Variance	22	8	20	91
	“D” Height Variance	9	3	9	100
	“C” Variance	229	86	225	98
	TOTAL	265	100%	259	97%

II.	Type of “C” Variance	Variances Requested Number	Percent	Variances Granted Number	Percentage	Existing Non-Conforming Conditions	
						Number	Percentage
	Rear Yard	40	18	38	95	88	
	Building Height	37	17	35	95	7	
	Lot Width	32	15	31	97	30	
	Side Yard	30	14	28	93	51	
	Building Coverage	27	12	26	96	23	
	Lot Area	26	12	26	100	80	
	No. Parking Spaces	9	4	8	89	25	
	Front Yard	5	2	15	33	33	
	Impervious Coverage	5	2	4	80	23	
	3 rd Habitable Story	4	2	4	100	4	
	Parking Buffer	2	<1	2	100	1	
	1 st Floor Elevation	1	<1	1	100	0	
	Roof Eave:	1	<1	1	100	0	
	TOTAL:	219	100%	225	97%		266



2001 ZB Annual Report**III. MEETINGS**

<u>MONTH</u>	<u>NO. OF MEETINGS</u>	<u>APPLICATIONS HEARD</u> **
January	2	14
February	3	10
March	2	14
April	1	14
May	1	4
June	1	5
July	1	4
August	1	5
September	2	16
October	3	14
November	1	4
<u>December</u>	<u>1</u>	<u>1</u>
TOTAL	19	105

IV. NEW APPLICATIONS SUBMITTED

<u>MONTH</u>	
January	13
February	5
March	10
April	6
May	9
June	11
July	12
August	10
September	16
October	8
November	11
<u>December</u>	<u>10</u>
TOTAL	121

**This number only represents the number of applications. Many applicants seek more than one variance.

V. SUMMARY

- The total number of applications heard decreased from 110 in 2000 to 105 in 2001.
- The total number of meetings decreased from 25 in 2000 to 19 in 2001.
- The number of "C" variances requested increased from 219 in 2000 to 229 in 2001.
- Lot width variance requests increased from 20 in 2000 to 32 in 2001.
- The percentage of "C" variances approved in 2001(97%), decreased from 2000 (98%).
- Rear yard, building height, lot width and side yards were the most common "C" variances, constituting 61% of the total variances requested.
- The number of "D" (Use) variances decreased in 2001, 22 were requested in 2001, 28 were requested in 2000.
- * **N.J.S.A. 40:55D-70.1.** The Board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of adjustment shall send copies of the report and resolution to the governing body and Planning Board.

Prepared By:

Tammy D. Barner,
Board Secretary

Dated:

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CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

2002 ANNUAL REPORT ZONING BOARD OF ADJUSTMENT

This Annual Report has been prepared pursuant to N.J.S.A. 40:55D-70.1, which requires that the board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of adjustment shall send copies of the report and resolution to the governing body and Planning Board.

General Application Categories

Type of Application	Number Requested	Number Granted	Number Denied	Pre-Existing Non-Conformities
C "Bulk" Variances	205 (85)	184	21	328
Use Variances	21 (9)	15	3	18
Site Plans	11 (5)	11	0	0
"D" Variances (Height/Density)	2 (1)	2	0	0
TOTALS	239 (100%)	213 (89%)	24 (11%)	346

"C" Bulk Variance Details

Type Requested	Number Requested	Number Granted	Number Denied	Pre-Existing Non-Conformities
Rear Yard	40 (19%)	37	3	43
Building Height	26 (13%)	24	2	16
Lot Area	25 (12%)	22	3	33
Building Coverage	25 (12%)	23	2	26
Lot Width	18 (10%)	17	1	25
Side Yard	17 (9%)	12	5	61
Curb Cut	12 (6%)	12	0	1
Front Yard	12 (6%)	10	2	38
Parking Spaces	9 (4%)	7	2	38
Impervious Coverage	7 (3%)	6	1	38
Habitable Story	6 (3%)	6	0	4
Driveway Buffer	5 (2%)	5	0	1
Parking Buffer	3 (1%)	3	0	4
TOTAL	205 (100%)	184 (90%)	21 (10%)	328

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Activity by Month

Month	Meetings	Applications Heard	Applications Submitted
January	3	20	8
February	2	14	6
March	2	13	9
April	2	14	5
May	2	14	12
June	1	8	8
July	1	6	10
August	1	2	10
September	1	1	5
October	3	10	1
November	1	3	3
December	1	3	3
TOTALS	20	108	80

Summary

1. Applications submitted (80) represent 74% of all applications submitted to both Boards in 2002.
2. Number of variance applications heard - 110 in 2001, 108 in 2002.
3. Number of meetings - 25 in 2001, 20 in 2002.
4. Number of "C" variances requested - 229 in 2001, 205 in 2002.
5. Percentage of "C" variances approved – 98% in 2001, 90% in 2002.
6. Number of "Use" variances requested - 22 in 2001, 21 in 2002.
7. Seventy-one percent of use variances were for residential in commercial zones, 33% were NB, 19% were HM, 19% were DB.
8. Forty-six percent of "C"- height variances were in R-2 zones.
9. Number of site plans - 4 in 2001, 11 in 2002.
10. Thirty-two percent of rear yard variances were for oceanfront properties.
11. Board approved 16 single-family dwellings associated with variances, representing 19% of the total (82) single-family permits issued in 2002.
12. Board approved 43 two-family dwellings associated with variances, representing 14% of the total (306) two-family permits issued in 2002.

Recommendations

1. Use - evaluate existing land use in all commercial zones and assess the need to revise zone boundaries and/or permitted uses.
2. Building Height -Evaluate details of building height variances approved in non-discrete areas and assess the need to revise allowable building height and/or height exceptions.
3. Rear Yard – Evaluate details of rear yard variances approved and assess the need to revise setback requirements.

* * * *

2003 ANNUAL REPORT **ZONING BOARD OF ADJUSTMENT**

This Annual Report has been prepared pursuant to N.J.S.A. 40:55D-70.1, which requires that the board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board.

General Application Categories

The following table indicates the types of applications considered by the board of adjustment, and the number of applications granted and denied in 2003.

Type of Application	Number Requested	Number Granted	Number Denied	Percent Granted	Pre-Existing Non-Conformities
Bulk "C" Variance	218	214	4	98	345
Use Variance	33	27	6	82	29
Site Plan	14	13	1	93	---
"D" Variances - (Height/Density)	13	12	2	92	---
Subdivision	1	1	0	100	---
Appeal from HPC*	2	1	1 (Tabled)	50	---
Appeal from AO**	1	1	-	100	---
Amended Site Plan	2	2	-	100	---
Certificate of Non-Conformity	1	1	-	100	---
TOTALS	285	272	13	95	374

* "HPC" refers to Historic Preservation Commission.

** "AO" refers to Administrative (Zoning) Officer

“C” Bulk Variance Details

The following table exhibits details regarding the various types of “C” variances considered by the board of adjustment in 2003.

Type Requested	Number Requested	Number Granted	Number Denied	Percent Granted	Pre-Existing Non-Conformities
Lot Area	35	35	0	100	51
Side Yard	33	31	2	94	60
Rear Yard	33	31	2	94	46
Lot Width	30	30	0	100	48
% Impervious	19	19	0	100	39
% Building	13	13	0	100	21
Front Yard	12	12	0	100	28
Building Height	9	9	0	100	5
Habitable Story	7	7	0	100	3
# Parking Spaces	6	6	0	100	36
Lot Frontage	5	5	0	100	8
Driveway Width	4	4	0	100	0
Fence Height	4	4	0	100	0
Cupola Size	2	1	1	50	0
Curb Cut	2	2	0	100	0
Garage Height	1	1	0	100	0
Eave Height	1	1	0	100	0
Roof Pitch	1	1	0	100	0
Signage	1	1	0	100	0
TOTAL	218	213	5	98	345

Monthly Activity

The following table shows the number of meetings, applications heard and applications processed during each month of 2003.

Month	Number of Meetings	Applications Heard	Applications Processed
January	2	13	8
February	2	8	4
March	2	10	4
April	2	18	12
May	1	2	10
June	1	2	9
July	1	7	15
August	1	6	12
September	2	8	5
October	4	14	12
November	1	7	8
December	1	6	16
TOTALS	20	101	115

Summary

The following section provides a summary of Zoning Board activity for 2003, and comparisons with previous years, as noted.

1. Total Applications Submitted – 239 in 2002, 285 in 2003.
2. Total Variances Requested – 228 (95% of total) in 2002, 264 (93% of total) in 2003.
3. “C” Variances Requested - 229 in 2001, 205 (85% of all) in 2002, 218 (76% of all variances) in 2003.
4. “C” Variances Approved – 98% in 2001, 90% in 2002, 98% in 2003.
5. Existing Conditions – 29% of all “C” variances were for existing lot area and existing lot width.

6. Side Yard Variances – 15% of all Variances Requested; 45% in Hotel-Motel zone, 21% in R-1 zone.
7. Rear Yard Variances – 15% of all Variances Requested; 30% in Hotel-Motel, 18% in Residential-Oceanfront zones, 18% in Residential-Lagoon zones.
8. R-2 Zones - 23% of all applications submitted were for lot width (24%), building coverage (24%), and lot area (19%) variances in the R-2 zones.
9. “Use” Variances Requested - 22 in 2001, 21 in 2002, 33 in 2003.
10. “Use” Variances Approved – 71% in 2002, 82% in 2003.
11. Hotel-Motel Zone – 13% of all applications submitted involved variances for use, lot area and side yard in the Hotel-Motel Zone.
12. Site Plans - 4 in 2001, 11 in 2002, 14 in 2003.
13. Meetings - 25 in 2001, 20 in 2002, 20 in 2003.
14. Applications Heard - 110 in 2001, 108 in 2002, 101 in 2003.
15. Applications Submitted - 115 is 69% of all applications submitted to both Boards in 2003. In 2002 the Zoning Board received 74% of all applications.

Recommendations

The recommendations that follow are based on the summary of information noted above.

1. Use - Evaluate existing land use and use variance approvals in all commercial zones, and assess the need to revise zone boundaries and/or permitted uses. This is especially important in the Hotel-Motel Zone.
2. Existing Lots - Evaluate lot area and lot width conformity to determine whether revisions to these requirements are warranted. Alternatively, consider “grandfathering” all existing lot conditions for single-family development (area, width and frontage). Current ordinance provides an exemption for lot depth, and requires area, width and frontage to be at least 90% of the standard.
3. Rear Yard – Evaluate details of rear yard variances and assess the need to revise setback requirements. Since these primarily involve oceanfront and lagoon-front properties, consider in the context of DEP standards.
4. Side Yard - Evaluate details of side yard variances and assess the need to revise setback requirements. Consider increasing minimum setback for larger lots.

5. Impervious Coverage - Evaluate details of impervious coverage variances and assess the need to revise coverage standards and/or definitions.
6. Building Coverage - Evaluate details of building coverage variances and assess the need to revise coverage standards and/or definitions.
7. Building Height -Evaluate details of building height variances and determine whether an adjustment to permitted building height and/or height exceptions is warranted.

DRAFT

2004 ANNUAL REPORT

ZONING BOARD OF ADJUSTMENT

This Annual Report has been prepared pursuant to N.J.S.A. 40:55D-70.1, which requires that the board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board.

2004 Generalized Statistics

The following table indicates the types of applications considered by the board of adjustment, and the number of applications granted and denied in 2004.

Type of Application	Number Requested	Number Granted	Number Denied	Percent Granted
Bulk "C" Variance	250	201	49	80
Use Variance	28	16	12	57
Density Variance	1	1	0	100
HPC *Appeal	1	0	1	0
AO ** Appeal	1	1	-	100
Certificate of Non-Conformity	1	1	-	100
TOTALS	285	272	13	95

* "HPC" refers to Historic Preservation Commission.

** "AO" refers to Administrative (Zoning) Officer

2004 Variance Details

The following table provides details regarding the types, and zone locations of applications considered by the board of adjustment in 2004.

		ZONE LOCATION FOR VARIANCES																					
TYPE OF VARIANCE	TOTAL GRANTED	ZONE																					
		H-2	R-2	C-2	R-1	GARDEN	R-3	R-2	RB	BB	OCHN	DB	R-2	SP-1	C-3	B-1	MP-2	NB	BB	BN	RP-2	BLN	RNL
LOT WIDTH	39	38	1	10	8	4	2	1	2	1	1	1	1	1	1	1	1	1	2	1	1	1	1
REAR YARD	37	32	5	7	6	5	2	1	2	2	1	4	1	1	2	1						1	1
LOT AREA	35	31	4	7	7	4	2	2	2	1		1	1	1	2							1	1
SIDE YARD	30	25	5	8	3	1	3	2	2	1		1	2	3			1					1	1
FRONT YARD	26	18	8	5	2	5	2	2	1	1		1	3			1	1						
USE	28	16	12	11	2	1	1	2	1	1		1	1	1	1	1	1	3			1		1
BUILDING HEIGHT	17	13	4	4	2			1	1	1		2	1	1			1	1	1	1			
IMPERVIOUS COV.	14	10	4	4	3	1	1	2	1			1	1	1			1	1	1	1			
BUILDING COVERAGE	14	10	4	5	4	1	1		1								1					1	
HABITABLE STORY	13	9	4	2	4	1						3	2	1									
# OF PARKING SPACES	10	6	4	2	2	1			1	1	1			1				1					
STORAGE HEIGHT	4	3	1	1	2												1						
LOT FRONTAGE	3	3	0	1		1											1						
LOT DEPTH	2	0	2																				
1/2 STORY	4	1	3														2			1		1	
% OF GLASS	1	1	0														1						
UNIT DENSITY	1	1	0														1						
EAVE HEIGHT	1	1	0																		1		
HPC APPEAL	1	0	1																				
TOTAL	280	218	62	54	46	35	14	11	13	10	9	10	9	9	7	6	6	5	5	4	3	3	2

2004 Monthly Activity

The following table shows the number of meetings, applications processed and applications heard for each month in 2004.

Month	Number of Meetings	Applications Processed	Applications Heard
January	1	12	6
February	2	11	11
March	3	10	9
April	3	5	14
May	2	8	13
June	1	9	8
July	1	5	6
August	1	7	4
September	2	5	10
October	2	7	9
November	2	7	15
December	1	8	2
TOTALS	21	94	107

Summary

The following section provides a summary of Zoning Board activity for 2004, and comparisons with previous years, as noted.

1. Meetings – 20 in 2003, 21 in 2004.
2. Applications Processed – 115 in 2003, 94 in 2004.
3. Applications Heard – 101 in 2003, 107 in 2004.
4. Total Variances Requested – 264 in 2003, 279 in 2004. Greatest numbers in HM, R-2 and C-2 Zones (48% of total).
5. “C” Variances – 218 in 2003, 250 in 2004 – 30% for lot width and lot area.
6. “C” Variances Approved – 98% in 2003, 80% in 2004.
7. “Use” Variances Requested – 33 in 2003, 28 in 2004, 39% in HM Zone.
8. “Use” Variances Approved – 82% in 2003, 57% in 2004.

Recommendations

These recommendations should be considered by the Planning Board and City Council in terms of amendments to the Master Plan and Zoning Ordinance.

1. Existing Lots - Evaluate lot area, lot width, side yard and rear yard standards, particularly in the HM, R-2 and C-2 Zones, to determine whether revisions to their respective bulk standards are warranted. Alternatively, consider expanding the scope of the “grandfathering” provisions.
2. Use - Evaluate existing land use and use variance approvals in all commercial zones, particularly the Hotel-Motel Zone, and assess the need to revise zone boundaries and/or permitted uses.
3. Building Coverage - Evaluate details of building coverage variances and assess the need to revise coverage standards and/or definitions.
4. Building Height -Evaluate details of building height variances and determine whether an adjustment to permitted building height and/or height exceptions is warranted.

Data provided by: Tammy D. Barner-Williams, Board Secretary

Report Prepared by: Randall E. Scheule, PP/AICP, Director of Planning

Distributed to Zoning Board of Adjustment – April 27, 2005



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

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DEPARTMENT OF COMMUNITY DEVELOPMENT

2005 ANNUAL REPORT ZONING BOARD OF ADJUSTMENT

This 2005 Annual Report has been prepared pursuant to N.J.S.A. 40:55D-70.1, which requires that the board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The board of adjustment shall send copies of the approved report and resolution to the governing body and planning board. The Ocean City Board of Adjustment unanimously adopted this report at their March 22, 2006 meeting.

2005 Generalized Statistics

The following table indicates the types of applications considered, and the number of applications granted and denied in 2005.

Type of Application	Number Requested	Number Granted	Number Denied	Percent Granted
Bulk "C" Variance	206	192	14	93
Use Variance	22	18	4	82
Density Variance	1	0	1	-0-
HPC *Appeal	-0-	-0-	-0-	-0-
AO ** Appeal	1	1	0	100
Certificate of Non-Conformity	-0-	-0-	-0-	-0-
TOTALS	230	211	19	92

* "HPC" refers to Historic Preservation Commission.

** "AO" refers to Administrative (Zoning) Officer

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		VARIANCE DETAILS																									
		TYPE OF VARIANCE	GRANTED	DENIED	HM	R-2	C-2	R-3	RB	BD	OCBN	RDENS	CB	DB	RMF	R-L	BV-1	BV-2	NB	B2	RPN	BLN	RNL	ON-BD	MPN	SPN	
LOT WIDTH	33	21	20	1	8	5	2										1		5								
REAR YARD	53	26	25	1	5	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1			
LOT AREA	35	23	21	2	8	8	4						1				1		1								
SIDE YARD	60	25	23	2	3	1	3	2	1	1	2		1	1	1	2	1	1	1	2	1	1	1				
FRONT YARD	36	23	23	0	9	2	3	1	1	1	1		1	1	1			1	1	1	1	1	1				
USE	23	22	18	4	3	2	2	1	3		1		1	1	2	1	2	2			1	1	1				
BUILDING HEIGHT	4	10	9	1		2	1			1		1				2		1			1	1	1				
IMPERVIOUS COVER.	44	19	15	4		3	1	1	1		2		2		1	1	2	1	1	2	1						
BUILDING COVERAGE	24	11	9	2		3			2		1		2		1	1	1										
HABITABLE STORY	4	14	13	1		2	2		2	1			3		1	1	1				1						
# PARKING SPACES	43	17	17	0		2	2	2	1	1		1		1	1	2	1	2	1		1	1	1				
STORAGE HEIGHT	1	7	7	0		3								2						2							
"D" HEIGHT	0	3	3	0		1							1	1	1												
LOT DEPTH	10	1	1	0		1																					
1/2 STORY	0	1	1	0					1																		
PARKING SETBACK	3	7	7	0	1	1			1	1							1		1								
UNIT DENSITY	0	1	0	1													1										
DRIVE WIDTH	0	1	1	0		1																					
Z.O. APPEAL	0	1	1	0		1																					
TOTAL	373	233	214	19	37	38	23	9	13	4	9	1	16	4	7	1	12	9	2	7	8	10	6	3	7	3	4

2005 Monthly Activity

The following table shows the number of meetings, applications processed and applications heard for each month in 2005.

Month	Number of Meetings	Applications Processed	Applications Heard
January	2	10	7
February	2	9	10
March	2	11	7
April	2	7	10
May	2	12	12
June	2	3	8
July	1	16	6
August	2	4	8
September	2	5	6
October	1	8	7
November	2	6	8
December	1	12	3
TOTALS	21	103	92

Summary

The following summary highlights the most significant aspects of Zoning Board applications in 2005, and provides comparisons with previous years, as noted.

1. Total Variances Requested – 264 in 2003, 279 in 2004, 206 in 2005. Greatest numbers in HM, R-2 and C-2 Zones (42% of total).
2. “C” Variances Requested - 218 in 2003, 250 in 2004, 232 in 2005 – 51% for existing lot conditions.
3. “C” Variances Approved – 98% in 2003, 80% in 2004, 93% in 2005.
4. “Use” Variances Requested - 33 in 2003, 28 in 2004, 22 in 2005.
5. “Use” Variances Approved – 82% in 2003, 57% in 2004, 82% in 2005.
6. Meetings – 20 in 2003, 21 in 2004, 21 in 2005.
7. Applications Processed – 115 in 2003, 94 in 2004, 103 in 2005.
8. Applications Heard – 101 in 2003, 107 in 2004, 92 in 2005.

Recommendations

The following recommendations are based on the above information, and should be considered by the Planning Board and City Council in terms of possible amendments to the Master Plan and/or Zoning Ordinance.

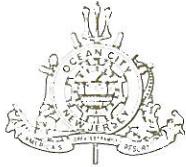
1. Lot Conditions and Setbacks – 112 variances were granted for existing lot conditions and setback requirements in the HM, R-2 and C-2 zones. Evaluate these requirements in these zones to determine whether revisions to their respective bulk standards are warranted. Consider expanding the scope of the “grandfathering” provisions to include two-family uses.
2. Impervious Coverage - Evaluate details of Impervious Coverage variances (19) and assess the need to revise coverage standards and/or definitions.
3. Building Height/Habitable Stories - Evaluate details of Building Height and Habitable Stories variances (24) and determine whether an adjustment to building height and/or Habitable Stories is warranted.
4. Parking Spaces – Evaluate details of these 17 variances to determine whether the problem is with size of spaces, or buffer/setback requirements

* * * *

Data provided by: Tammy D. Barner-Williams, Board Secretary

Report Prepared by: Randall E. Scheule, PP/AICP, Director of Planning

Approved by the Zoning Board of Adjustment: – March 22, 2006



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Randall Scheule, Planning Director

FROM: Tammy D. Barner-Williams, Technical Assistant, Land Use

DATE: May 22, 2007

RE: **2006 Zoning Board Annual Report** (Revised 5-21-07)

Attached please find a Zoning Report prepared to date. Below is an analysis of the Zoning Board's Public Meeting Schedule; how many applications were submitted and how many were heard in 2006:

TABLE I

MONTH	APPLICATIONS SUBMITTED	PUBLIC MEETINGS	APPLICATIONS HEARD
January	7	1	4
February	4	2	7
March	7	2	7
April	3	2	11
May	3	2	8
June	10	2	12
July	7	2	5
August	9	2	3
September	4	2	11
October	12	2	6
November	2	1	5
December	9	1	6
TOTAL	77	21	85

20 or 24% of the applications were for new duplex development and 13 or 15% of the applications were for alterations and or renovations to existing duplexes.

9 or 11% of the applications were for new single-family homes, while 19 or 22% of the applications were for alterations and or additions to a single family home.

The following chart shows the breakdown of the number of variances requested, how many were granted, how many were denied and how many pre-existing non-conforming conditions existed prior to variance relief being granted or denied. It also indicates the underlying zone where the requested variance was situated within OCEAN CITY, NJ 08226

609-525-9444 ext. 371

FAX: 609-525-0823



TABLE II

TYPE OF VARIANCE	ENC	ZONE LOCATION FOR VARIANCES GRANTED																						
		TOTAL	GRANTED	DENIED	HM	DB	NEN	RN	R-2	C-2	GARDENS	R-1	RB	OCHN	BD	R-O-2	DB	RMF	R-L	CB	NB	BN	BLN	RNL
LOT WIDTH	17	12	9	3	4	-	-	-	2	1	-	-	-	-	-	1	-	-	-	1	-	-	-	
FRONTAGE	7	1	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	
REAR YARD	44	36	34	2	4	-	1	-	5	1	1	2	2	2	-	8	-	1	2	1	1	-	2	1
LOT AREA	25	15	14	1	5	-	-	-	1	4	-	-	-	-	-	-	1	-	1	-	1	1	-	-
SIDE YARD	46	31	30	1	6	-	-	-	4	5	3	1	1	2	-	2	-	2	2	1	1	-	-	-
FRONT YARD	24	19	17	2	4	1	-	-	3	4	-	1	-	2	-	-	1	-	1	-	-	-	-	-
USE	14	18	17	1	7	-	-	-	4	-	-	-	-	1	1	-	1	-	1	2	-	-	-	-
BLDG. HEIGHT	3	7	5	2	1	-	-	-	-	2	-	-	-	-	-	-	1	-	-	1	-	-	-	-
IMPERVIOUS COV.	30	13	11	2	-	-	1	-	3	1	1	-	-	-	-	2	1	1	-	1	-	-	-	-
BUILDING COVERAGE	20	15	14	1	-	-	1	1	4	1	1	1	-	2	-	2	-	-	1	-	-	-	-	-
HABITABLE STY.	6	12	10	2	2	-	-	-	2	1	-	-	-	-	-	2	1	-	1	1	-	-	-	-
# OF PARKING SPACES	24	3	3	0	1	-	-	-	1	0	-	-	-	-	-	-	-	-	-	1	-	-	-	-
STORAGE HEIGHT	3	12	11	1	0	-	-	-	3	-	-	1	-	-	-	7	-	-	-	-	-	-	-	-
"D" HEIGHT	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LOT DEPTH	14	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1/2 STORY	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PARKING SETBACK	7	9	9	-	1	-	-	-	1	2	1	1	-	-	-	-	-	1	-	-	1	-	-	1
DRIVE WIDTH	1	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Z.O. APPEAL	0	2	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
% OF GLASS	0	2	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-
HEIGHT OF DECK	0	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-
SITE PLAN	0	9	8	1	1	-	-	-	-	-	-	-	-	-	-	-	1	1	1	0	1	2	-	-
TOTAL	285	217	197	19	36	1	3	1	33	23	7	7	3	9	1	24	8	6	9	8	11	2	2	3

Per **Table II**, the greatest numbers of **variances granted** in 2006 were for the **rear yard thirty-four (34)** or **17%** were granted.

Side yards followed closed closely behind with **thirty (30)** or **15%** of all variances being granted.

Per **Table II**, the **Zones** which requested the highest number of variance requests in 2006 are as follows:

The **Hotel-Motel** Zone had **thirty-six (36)** variances or 16% requested;

The **Residential Two-Family** Zone followed close behind with **thirty-three (33)** or 15% requested;

The **Residential Oceanfront Two-Family** Zone had **twenty-four (24)** or 11% of individual requests; and

The **Corinthian Neighborhood** Zone had **twenty-three (23)** or 10% of the individual requests.

The **greatest** number of **variances requested** in 2006 were for **rear yard, thirty-six (36)** individual variances were requested, or 16% of the total requested in 2006, followed closely behind by **side yard** requests, **thirty-one (31)** variance requests or 14% of all variances requested in 2006 (#217).

Again in **Table II**, a total of **285 pre-existing non-conforming conditions** existed, while 198 variances were granted, **a removal of 70** non-conforming conditions.

Off-street parking spaces was the largest number of **existing non-conforming conditions, twenty-four (24)**, while only three (3) variances were granted for the off-street parking spaces.

(30) thirty non-conforming impervious surface conditions were removed while only eleven (11) variances were granted;

(46) Forty-six non-conformities side yards conditions were removed while thirty (30) variances were granted;

(24) Twenty-four non-conforming front yard conditions were removed while seventeen (17) variances were granted.

The Zoning Board **granted** Site Plan approval for the following projects:

- Sunoco - 34th and West Avenue- New Commercial Development (**Final**);
- Wallace Hardware- 7th & West -commercial area addition; (**Amended Final approval**);
- JAV of OC- 12th and Boardwalk – commercial area with Residential above (**Final**);
- Granahan;1024 Ocean-Residential three family unit (**Preliminary and Final**);
- Arasz; 14th & Asbury - commercial area with Residential above (**Prelim. and Final**);
- Dice Rossi- 9th and Wesley- 4 lots with 8 Residential units (**Final**) and
- Sturdy Savings Bank-101 E. 34th Street- Commercial Site Plan (**Prelim and Final**);

The Zoning Board **denied** site plan approval for:

- Spadaforas- 932 Haven- commercial area with residential above.

Prepared By:

Tammy Barner Williams
Technical Assistant, Land Use

Dated:

If you have any questions, or do not regarding this report, please do not hesitate to call my office at 525-9444, extension 369

DRAFT

MEMORANDUM

TO: Randall Scheule, Planning Director

FROM: Tammy D. Barner, Technical Assistant, Land Use

DATE: April 29, 2008

RE: **2007 Zoning Board Annual Report** (Revised 4-29-07)

Attached please find a Draft Zoning Report prepared for your review. Below is an analysis of the Zoning Board's Public Meeting Schedule; how many applications were submitted and how many were heard in 2007:

TABLE I

MONTH	APPLICATIONS SUBMITTED	PUBLIC MEETINGS	APPLICATIONS HEARD
January	5	1	5
February	6	2	9
March	7	2	7
April	6	2	12
May	6	2	10
June	2	1	3
July	2	1	2
August	3	2	8
September	2	2	6
October	5	2	3
November	6	1	3
December	2	1	3
TOTAL	52	19	71

The following Table shows the breakdown of the number of variances requested, how many were granted, how many were denied and how many pre-existing non-conforming conditions existed prior to variance relief being granted or denied. It also indicates the underlying zone where the requested variances were situated within.

TABLE II

TYPE OF VARIANCE APPROVAL	TOTAL	GRANTED		DENIED																		
		HM	DB	NEN	RN	R-2	C-2	R-1	RB	OCHN	SPN	R-O-2	BD	RMF	R-L	CB	NB	BN	BLN	RNL	MVH	BV-1
LOT WIDTH	7	6	1	4	1	1		1	-	-	-	-	-	-	-	-	-	-	-	-	-	
FRONTAGE	2	2	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
REAR YARD	32	32	-	4	2	-	-	8	-	1	1	-	-	6	-	1	2	1	1	2	1	
LOT AREA	6	5	1	3	-	1	-	1	-	-	-	-	1	-	-	-	-	-	-	-	-	
SIDE YARD	26	26	-	5	-	-	-	5	-	4	1	1	-	1	3	-	-	3	1	-	1	
FRONT YARD	15	15	-	2	2	1	1	2	-	2	-	-	-	2	-	-	1	-	1	-	1	
USE	11	10	1	5	1	-	-	2	-	-	1	-	-	1	-	-	-	-	-	-	-	1
BLDG. HEIGHT	8	7	1	1	1	-	-	-	-	2	-	1	-	3	-	-	-	-	-	-	-	-
IMPERVIOUS COV.	17	17	-	-	-	-	-	3	-	1	-	-	1	5	-	1	2	1	1	2	-	-
BUILDING COVERAGE	18	18	-	-	1	-	5	-	2	2	-	-	1	2	-	-	1	-	-	3	-	1
HABITABLE STY.	8	8	-	1	-	-	-	1	2	1	-	-	-	-	-	-	1	-	1	1	-	-
# OF PARKING SPACES	9	9	-	-	1	-	-	1	-	2	1	-	-	1	-	-	-	1	1	-	-	1
STORAGE HEIGHT	3	2	1	-	-	-	-	-	-	1	-	-	-	2	-	-	-	-	-	-	-	-
PARKING SETBACK	5	5	-	-	-	-	-	1	-	-	1	-	1	-	-	-	1	1	-	-	-	-
DRIVE WIDTH	1	1	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Z. O. APPEAL	2	2	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
% OF GLASS	2	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	1	-	-	-
ROOF EAVE	2	2	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-
FENCE HT.	1	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MINOR SUB	2	1	1	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-
FRONT FAC. GAR	1	1	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
SITE PLAN	8	7	1	1	1	-	-	1	-	-	1	-	-	1	-	-	1	1	-	-	-	-
TOTAL	186	179	7	28	9	5	2	31	2	19	9	12	1	7	24	1	2	11	7	6	10	1

Per **Table II**, the greatest numbers of **variances granted** in 2007 were for the **rear yard thirty-two (32)** or 18 % were granted.

Side yards followed closely behind with twenty-six (26) or 14% of all variances being granted¹⁴ (#179)

Per **Table II**, the **Zones** which requested the highest number of variance requests in 2007 are as follows:

The **Residential Two-Family Zone (R-2)** had **thirty-one (31)** variances or 16% requested;

Followed by the **Hotel-Motel Zone (HM)** with **twenty-eight (28)** or 15% requested;

The **Residential Oceanfront Two-Family Zone (R-O-2)** followed closely behind with **twenty-six (26)** or 14% of individual requests (#186).

The Zoning Board granted Site Plan approval for the following projects:

- OCA, LLC – 3349 Asbury Avenue- New mixed use development; (**Preliminary and Final**);
- Grisbaum – 3149-51 Asbury Avenue-Site Plan approval; (**Preliminary and Final**);
- Snyder – 636 West Avenue; New mixed use development (**Preliminary and Final**);
- Keith Hall – 913-15 Wesley Avenue; New three family dwelling (**Preliminary and Final**);
- Brundin- 841 Central Avenue- New mixed-use development(**Preliminary and Final**);
- Tomlinson – 1035-37 Asbury Avenue- New mixed-use development(**Preliminary and Final**);

The Zoning Board granted Subdivision approval for:

- Juliano – 113 Beach Road- Minor Subdivision approval.

The Zoning Board denied Subdivision approval for:

- Scully – 2837-39 Wesley Avenue- Subdivision and Site Plan approval.

Prepared By:

Tammy Barner
Technical Assistant, Land Use

Dated:

If you have any questions regarding this report, please do not hesitate to call the planning office at 525-9444, extension 369

c. Zoning Board Members
E. Terenik

Revised 4-30-08

Adopted with amendments by the Zoning Board
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MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Cecilia Dugan, Zoning Board Secretary

DATE: January 21, 2009

RE: **2008 Zoning Board Annual Report**

TABLE I

MONTH	APPLICATIONS SUBMITTED	PUBLIC MEETINGS	APPLICATIONS HEARD
January	7	1	4
February	4	1	2
March	12	2	6
April	8	2	7
May	4	1	5
June	4	1	2
July	7	1	4
August	1	1	5
September	4	1	4
October	1	1	3
November	2	1	3
December	4	1	4
TOTAL	58	14	49

127 variances were requested, 115 or 91% were approved.

2 or 4% of the applications were appeals of an administrative officer's decision.

8 or 14% of the applications were for amendments to previously approved plans.

3 or 5% of the applications were for commercial projects.

The following chart shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

TYPE OF VARIANCE	ZONE LOCATION FOR VARIANCES GRANTED																				
	GRANTED	SPN	OFF-BD	DB	NEN	RN	R-2	C	G	R-1	RB	OCHN	BD	R-O-2	R-O-1	RMF	RN-L	CB	NB	BN	BD
LOT WIDTH	3						2	1													
FRONTAGE	1						1														
REAR YARD	19						6	2	3	1		1		5					1		
LOT AREA	2				1		1														
SIDE YARD	12						4		2				4	1					1		
FRONT YARD	4	1			1			1	1												
USE	3			1						1							1				
BLDG. HEIGHT	3				1		1		1												
IMPERVIOUS COV.	9						2		2				3	1				1			
BUILDING COVERAGE	12				1		4	1	2				3					1			
HABITABLE STY.	7						2		1				2	1				1			
# OF PARKING SPACES	13			1			3	1	2	2			3	1							
F.A.R.	1				1																
"D" HEIGHT	5			1			3						1								
LOT DEPTH	1							1													
AGGREGATE SIDE	10						3		2				4	1							
PARKING SETBACK	4						2			1				1							
DRIVE WIDTH	1								1												
CURB CUT	1								1												
DRIVEWAY SETBACK	1								1												
HEIGHT OF DECK	1																	1			
USE OF STONE	1			1																	
FENCE HEIGHT	1								1												
TOTAL APPROVED	115	1	4	5		34	7	20	5		1	25		6		1	6				
APPEAL OF ADMINISTRATIVE OFFICER	2																	1	1		
ZONE LOCATION FOR VARIANCES DENIED																					
FRONT YARD	2							1					1								
REAR YARD	2							1	1												
BUILDING COVERAGE	2							1	1												
D HEIGHT	2		2																		
IMPERVIOUS COVERAGE	1												1								
HABITABLE STORIES	2							1					1								
USE	1		1																		
TOTAL DENIED	12		3					3	3				3								

Per **Table II**, the greatest number of **variances granted** in 2008 was for **rear yard**. **19** or **17%** were granted.

of parking spaces was next with 13 or 11% of all variances **granted**.

Per **Table II**, the **Zones** which requested the highest number of variance requests in 2008 are as follows:

The **Residential Two-Family** Zone had 34 or **27%** of the variances requested;
The **Residential Oceanfront Two-Family** Zone had **25** or **20%** of requests; and
The **Gardens Neighborhood** Zone had **20** or **16%** of requests.

The Zoning Board **granted** Site Plan approval for the following projects:

- New Jersey American Water Company – 10th & Haven

The Zoning Board **denied** Site Plan approval for:

- 8th Street Development Group – 8th & Boardwalk
- Alexander Kazmarck – 11th & Boardwalk

Prepared By: _____ Dated: _____
Cecilia Dugan
Zoning Board Secretary

Adopted _____

If you have any questions, please do not hesitate to call my office at 525-9261, extension 36.

c. Elizabeth Terenik
Administration



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF PLANNING AND ENGINEERING

draft
MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Cecilia Dugan, Zoning Board Secretary

DATE: February 23, 2010

RE: **2009 Zoning Board Annual Report**

In 2009, The Zoning Board of Adjustment heard 41 applications for a total of 107 variance requests. Of the 107 variances, 96 or 90% were approved.

Two of the applications were appeals of an administrative officer's decision, one was denied and one was withdrawn. The denied appeal involved the Zoning Officer's decision to require a Site Plan. The Board upheld the decision.

Of the 41 applications heard, Six (6) or 14% of the applications were for amendments to previously approved plans. In addition to the 6 applications heard by the full Board, eleven (11) applications for amendments to previously approved plans were reviewed by the Zoning Board Executive Committee. Of the 11 reviews, the ZBEC approved eight (8) of the applications. The ZBEC has proven to be beneficial to the applicants and the Board, saving the applicants time and money and not clogging the Board's agendas.

Eight (8) of the applications in 2009 were for commercial projects. The remainder was residential. Of the 41 applications heard by the Board, 17 or 41% were for additions or alterations to existing properties rather than new construction.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

TYPE OF VARIANCE	ZONE LOCATION FOR VARIANCES GRANTED																		REDEVELOPMENT		
	GRANTED	R-1	R-2	R-L-1	R-L-2	R-O-1	R-O-2	C-2	G	BW-2	BN	BN-L	RN-L	MPN	OCHN	HM	NB	CB	DB	P	MVH
LOT WIDTH	2									1							1				
LOT AREA	2										1							1			
REAR YARD	13	1	3						1			1	2	1	1	1	2				
REAR YARD TO DECK	1		1																		
SIDE YARD	8			1							1		2			1	1		1		1
TOTAL SIDE	8		1		1						1		2			1	1				1
FRONT YARD	9	1	3	1									1	1					1		1
STORAGE SHED	1							1													
IMPERVIOUS COV.	4						1				1		1	1							
BUILDING COVERAGE	6	1	3												1					1	
TOTAL STORIES	3	1	1				1														
# OF PARKING SPACES	5		3															1		1	
F.A.R.	1	1																			
"D" HEIGHT	3																1	1	1		
ROOF TOP DECK	1						1														
GUTTERS	3		3																		
PARKING SETBACK	5	1	1														1	1	1	1	
PORCH	2	1	1																		
PORCH STEPS	1		1																		
CURB CUT	4	1	2										1								
DRIVEWAY SETBACK	1												1								
FRONT DRIVEWAY	1		1																		
FENCE HEIGHT	1			1																	
SOLID FENCE BY WATER	2												2								
USE	8		1						1							1	2	1	1	1	
CONDITIONAL USE	1																	1			
TOTAL APPROVED	96	8	25	3	1	0	2	2	2	3	1	12	3	2	6	8	2	6	1	7	0
APPEAL OF ADMINISTRATIVE OFFICER	2							1													1
ZONE LOCATION FOR VARIANCES DENIED																					
FRONT YARD	3	1						1								1					
REAR YARD	2	1															1				
D HEIGHT	2							1									1				
SIDE	1							1													
TOTAL SIDE	1							1													
USE	2							1								1					
TOTAL DENIED	11	2						5								4					

Per the above chart, the greatest number of variances granted in 2009 was again for **rear yard setback**. Rear yard variances were requested in eleven (11) zones, more than any other type of variance.

The **Residential Two-Family** Zone had the most variances granted again in 2009, accounting for 26% of the total. Unfortunately, there was no trend shown. The 25 variances had no real majority.

The **Riviera Neighborhood – Lagoon** Zone was a far second, with half as many variances granted. These variances were also widely scattered, showing no trend.

The Board granted eight (8) use variances, three (3) were for Telecommunication towers, one (1) was to expand an existing non-conforming commercial office in a R-2-30 zone, one (1) was to allow a Church in the DB zone, one (1) was to expand an existing non-conforming restaurant in the C-2-30 zone, one (1) was for a new duplex in the NB zone and one (1) was for a new duplex in the HM zone.

The Zoning Board **granted** Site Plan approval for the following projects:

- MetroPCS Pennsylvania, LLC – 8th & Asbury
- MetroPCS Pennsylvania, LLC – 44th & Simpson
- MetroPCS Pennsylvania, LLC – 34th Street
- Law Offices – 2nd & Asbury
- Brown's Restaurant – 1st & Boardwalk
- Calvary Chapel – 8th & West

The Zoning Board **denied** Site Plan approval for:

- MetroPCS Pennsylvania, LLC – 34th Street

Of the total forty-one (41) applications, three (3) were denied. The first was the Site Plan noted above, the second was for a front and rear setback in the R-1-30 zone and the third was a use, front setback and side setback in the C-2-30 zone.

The Board, in 2009, expressed concern over the amount of changes made to Board approved plans. As noted in this report, 14% of the applications and an additional eleven Executive Committee applications, were due to changes in plans subsequent to Board approval. The Board Solicitor responded to the concern by making an announcement following each application and by highlighting the consequence of changes to plans in each Board Resolution. The Board expects to see fewer amended applications in the future.

Prepared By: _____ Dated: _____
Cecilia Dugan
Zoning Board Secretary

Adopted _____

If you have any questions, please do not hesitate to call my office at 525-9400, extension 9736.

c. Elizabeth Terenik
Administration



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF COMMUNITY SERVICES

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Cornell-Fine, Zoning Board Secretary

DATE: May 18, 2011

RE: **2010 Zoning Board Annual Report**

In 2010, The Zoning Board of Adjustment heard 36 applications for a total of 67 variance requests. Of the 67 variances, 63 or 94% were approved.

Of the 36 applications heard, two (2) or 5% of the applications were for amendments to previously approved plans. In addition to the 36 applications heard by the full Board, eleven (11) applications for amendments to previously approved plans were reviewed by the Zoning Board Executive Committee. Of the 11 reviews, the ZBEC approved ten (10) of the applications. The ZBEC has proven to be beneficial to the applicants and the Board, saving the applicants time and money and not clogging the Board's agendas.

Ten (10) of the applications in 2010 were for commercial projects. The remainder was residential. Of the 36 applications heard by the Board, 24 or 67% were for additions or alterations to existing properties rather than new construction.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

TYPE OF VARIANCE/ WAIVER	ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																			
	GRANTED	R-1	R-2	R-L-1	R-L-2	R-O-1	R-O-2	C-2	G	BW-I	GW	BN-L	R-N-L	MPN	OCHN	HM	NB	CB-1	DB	SPN
LOT WIDTH	2		1					1												
LOT DEPTH	1																			1
LOT AREA	1											1								
LOT FRONTAGE	1							1												
REAR YARD	13	4	3					1	1	2			1							1
REAR YARD TO DECK	2							1	1											
SIDE YARD	9	2	3					1					1		1					1
REAR YARD TO STEPS	1							1												
TOTAL SIDE	3		2									1								
FRONT YARD	7	1	2							1	1		1							1
SHADE TREE	6		2					1		1		1	1							
IMPERVIOUS COV.	5	3	1																	1
BUILDING COVERAGE	5	1	2						1				1							
TOTAL STORIES	3		1						2											
# OF PARKING SPACES	4	1	1						1				1							
F.A.R.	2								1			1								
DORMER SETBACK	1		1																	
“D” HEIGHT	2							1												1
EAVE HEIGHT TO SECONDARY ELEMENT	1																			1
ROOF TOP DECK	1		1																	
HABITABLE STORIES	1																			1
# ACCESSORY BUILDING	1												1							
SIZE ACCESSORY STRUCTURE	1												1							
HEIGHT ACCESSORY STRUCTURE	1												1							
BENCHES	1										1									
WASTE MANAGEMENT	1										1									
PARKING LOT	2										1									1
LIGHTING	1										1									
TRANSPARENT WINDOW	1										1									
SIGN	1										1									
FACADE	1										1									
LANDSCAPE BUFFER	1										1									
TRUCK BERTH	1										1									
GARAGE SETBACK	1								1											
PARKING SETBACK	2		1								1									
DRIVEWAY WIDTH	3							2			1									
DRIVE AISLE	1										1									
BUILDING HEIGHT	1								1											
STORAGE UNIT HEIGHT	1								1											
USE	3		2														1			
CONDITIONAL USE	1																			1
DENSITY	1															1				
EXCAVATION	1																			1
TOTAL APPROVED	99	12	23	0	0	0	11	4	8	2	13	5	4	4	0	0	2	0	0	2
APPEAL OF ADMINISTRATIVE OFFICER																				
ZONE LOCATION FOR VARIANCES AND WAIVERS DENIED																				
TOTAL STORIES	1	1																		
IMPERVIOUS	1		1																	
SIDE	1	1																		
TOTAL SIDE	1	1																		
USE	2	1															1			
TOTAL DENIED	6	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0

Per the chart, the greatest number of variances granted in 2010 was again for **rear yard setback**.

The **Residential Two-Family Zone** had the most variances granted again in 2010, accounting for 23% of the total.

The **Riviera Neighborhood – Lagoon Zone** was second, with 13 variances granted. These variances were also widely scattered, showing no trend.

The Board granted 3 use variances, two (2) were to expand an existing non-conforming commercial office in a residential zone and one (1) was to allow residential in the NB zone. One (1) conditional use was granted for hotel use.

The Zoning Board granted Site Plan approval for the following projects:

- 8th Street Development – 837 8th Street
- Scully – 2837-39 Wesley Ave
- Capaldi – 1408-10 Asbury Ave

The Zoning Board denied Site Plan approval for:

- MacPherson – 1205 West Ave

Of the 36 applications, there were 158 existing non-conformities. After variances and waivers were granted, 116 existing non-conformities remained.

Of the total 36 applications, four (4) were denied. The first was the Site Plan noted above for taxi dispatch use in the CB-1 zone, the second was for total stories in the R-1-50 zone, the third was for side, total side and use in the R-1-50 zone and the fourth was for relief from a condition of prior approval for parking requirement on the R-2-40 zone.

The Zoning Board would like the Planning Board to re-examine the DB Zone. The Board believes it would be in the best interest of the zone to allow *taxi dispatch office* as a conforming use.

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.

The Zoning Board supports the Planning Board to continue studying the HM Zone and would encourage a resolution in 2011.

Prepared By:

Jaime M. Cornell-Fine
Zoning Board Secretary

Dated: 5/19/11

Adopted 5/18/11

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF COMMUNITY SERVICES

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Cornell-Fine, Zoning Board Secretary

DATE: March 22, 2012

RE: **2011 Zoning Board Annual Report**

In 2011, The Zoning Board of Adjustment heard 32 applications for a total of 75 variance requests. Of the 75 variances, 65 or 87% were approved.

None of the 32 applications heard were for amendments to previously approved plans. In addition to the 32 applications heard by the full Board, four (4) applications for amendments to previously approved plans were reviewed by the Zoning Board Executive Committee. Of the 4 reviews, the ZBEC approved four (4) of the applications. The ZBEC has proven to be beneficial to the applicants and the Board, saving the applicants time and money and not clogging the Board's agendas.

Two (2) of the applications in 2011 were for commercial projects. Also, two (2) of the applications were for certificates of non-conformity. The remainder was residential. Of the 32 applications heard by the Board, 16 or 50% were for additions or alterations to existing properties rather than new construction.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

Per the chart, the greatest number of variances granted in 2011 was again for **rear yard setback** and an equal amount of variances were granted for **side yard setback**.

The **Drive-In Business** Zone had the most variances granted in 2011, accounting for 18% of the total approved. It should be noted these variances were granted for a single commercial use application (Calvary Chapel).

The **Riviera Neighborhood – Lagoon** Zone was second, again, with 10 variances granted. Six (6) of those variances were for rear yard setback, side yard setback and aggregate side yard setback.

The Board granted 4 use variances, one (1) was to expand an existing non-conforming duplex in a single family zone, one (1) was for installation and modification of “antennae arrays” in the CB zone and one (1) was to permit a non-conforming use in a commercial zone in the CB zone. One (1) conditional use was granted for “church” in the DB zone.

Of the 32 applications, there were 81 existing non-conformities. After variances and waivers were granted, 124 existing and new non-conformities remained.

Of the total 32 applications, three (3) were denied. The first proposal was to construct a 2nd floor roofed deck, four dormers on top floor; existing sunrooms (front and rear) to be removed and replaced in exact same footprint on an existing residential non-conformity in the BD zone, the second was to construct a residential duplex requiring front yard porch/deck and stairs setback, rear yard setback, height and parking variances in the C30-2400 zone and the third was for a two story addition in rear yard requiring rear yard setback, building coverage and shade tree variances in the G-60-6000 zone.

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.

The Zoning Board supports the Planning Board to continue studying the HM Zone and would encourage a resolution as soon as possible.

The Zoning Board also requests that the Planning Board continue to examine the impact of recent flood elevation construction code requirements on currently permitted height maximums as this change may potentially lead to an increase in variance applications and resulting expense to the applicants.

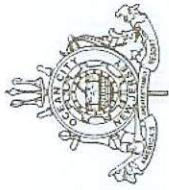
Prepared By:

Jaime M. Cornell-Fine
Zoning Board Secretary

Dated: 3/21/12

Adopted

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF COMMUNITY SERVICES

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Cornell-Fine, Zoning Board Secretary

DATE: January 16, 2013

RE: **2012 Zoning Board Annual Report**

In 2012, The Zoning Board of Adjustment heard 41 applications for a total of 172 variance and waiver requests. Of the 172 variances, 165 or 96% were approved.

Of the total 41 applications, five (5) were tabled and one (1) was carried to the next meeting. Two (2) of the total applications heard were for amendments to previously approved plans. In addition to the applications heard by the full Board, five (5) of the total applications for amendments were reviewed by the Zoning Board Executive Committee. Of the five reviews, the ZBEC approved four (4) of the applications. The ZBEC has proven to be beneficial to the applicants and the Board, saving the applicants time and money and not clogging the Board's agendas.

Of the 41 total applications, there were 101 existing non-conformities on the site. One (1) of the applications was for residential project in commercial zone, which the prevailing zoning was revised, subsequently, sending this application to the Planning Board for major subdivision approval without need for variance relief. Two (2) of the application were for "after the fact" variance relief (improvements that were all ready completed). Of the total applications heard by the Board, 20 or 40% were for additions or alterations to existing properties rather than new construction.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED

There was a significant increase to the total number of applications submitted and variances granted from 2011. An increase of 15 applications submitted from the previous year resulted in an additional 97 variance and waiver requests.

Per the chart, the greatest number of variances granted in 2012 was for **side yard**.

The **R-2 Zone(s)** had the most variances (55) granted in 2012, accounting for 34% of the total approved. It should be noted there were a total of nine (9) applications submitted in the R-2 Zone. Six (6) of those applications required lot width and aggregate side yard relief.

The **Gardens Zone(s)** was second, with 43 variances granted. Six (6) of variances granted were for side yard setback.

The Board granted 3 use variances, all were to expand existing non-conforming residential use. Two (2) *d6* height variances were granted for expansion of existing non-conforming residential use in the HM-1 Zone

Of the 41 applications, there were 101 existing non-conformities. After variances and waivers were granted, 165 existing and new non-conformities remained.

Of the total 41 applications, one (1) was denied. The proposal was to construct a new single family structure in a duplex zone requiring side yard, aggregate side yard, building height, impervious coverage, garage setback, number of habitable floors and gutter/downspout variances in the R-O-2-40 zone.

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.



Janine M. Cornell-Fine
Zoning Board Secretary

Dated: 2/20/13

Prepared By:

Adopted

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.

c. James Mallon
Administration



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF COMMUNITY OPERATIONS

Code Enforcement • Construction • Engineering • Environmental Management • Parks and Recreation • Planning • Zoning

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Cornell-Fine, Zoning Board Secretary

DATE: January 7, 2014

RE: **2013 Zoning Board Annual Report**

In 2013, The Zoning Board of Adjustment heard 34 applications for a total of 114 variance and waiver requests including one (1) appeal of Administrative Officer for HPC demolition denial and one (1) request for interpretation of the ordinance. Five (5) of the requested variances were eliminated due to the passing of Ord. #13-07 and Ord. #13-12. Of the remaining 107 variances, 97 or 86% were approved.

Of the total 34 applications, three (3) were tabled. In addition to the applications heard by the full Board, fifteen (15) of the total applications for amendments were reviewed by the Zoning Board Executive Committee. Of the fifteen (15) reviews, the ZBEC approved ten (10) of the applications and one (1) was withdrawn. Several of these have been electronically reviewed, further expediting the process. The ZBEC continues to be beneficial to the applicants and the Board, saving the applicants time and money and not clogging the Board's agendas.

Of the 34 total applications, there were 44 existing non-conformities on the site. One (1) of the application's was for "after the fact" variance relief (improvements that were already completed). Of the total 114 variances requested, 4 (four) of the variances were eliminated with the passing of ord. #13-12 and one (1) variance was eliminated due to Ord. 13-12. Of the total applications heard by the Board, 21 or 62% were for additions or alterations to existing properties rather than new construction.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

TYPE OF VARIANCE/ WAIVER	ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																					
	GRANTED	R-1	R-2	R-L-1	R-L-2	R-C-1	R-O-2	C-2	HM-1	R3	G	RMF	RNL	MPN	NEEL	HM	RN	CB	DB	OCHN	BN	NEN
LOT WIDTH	2 2		1		1			1 1														
LOT DEPTH																						
LOT AREA	3 2		1 1					1 1														
LOT FRONTRAGE	1 1		1					1														
REAR YARD	14	2						3	1		3	1	1						2	1		
REAR YARD TO DECK	1							1														
SIDE YARD	9 1		2					1 1		(1 ¹)	1								2	2	1	
TOTAL SIDE	10		1	1				1			1 1	1							1	2	1	
FRONT YARD	8	1	(1 ²)					1				1		1					3		1	
SHADE TREE	6	2	2					1			1											
IMPERVIOUS COVERAGE	3 1		1 1									1								1		
BUILDING COVERAGE	5 1		2 (1 ³)					1								1		1		1		
TOTAL STORIES	4											1	1						2			
# OF PARKING SPACES	2									1		1										
F.A.R.	2									1			(1 ⁴)	(1 ⁵)						1		
APPEAL OF ADMINISTRATIVE OFFICER	1		1																			
“D” HEIGHT	1									1												
INTERNAL STORAGE HEIGHT	5	1						1			1		1						1			
SITE PLAN	1																1					
HABITABLE STORIES																						
PARKING SETBACK	3		1									1								1		
PLAT REQUIREMENT(S)	3		1							1						1						
PATIO/DECK ELEVATION	1																		1			
GARAGE SETBACK	2															1				1		
USE	2 1			1							1											
GUTTERS/DOWNSPOUTS	2								1		1											
BUILDING HEIGHT	1																			1		
EXPANSION OF NON-CONFORMING USE	5 1	2 1	1															1	2			
FENCE	1							1														
TOTAL APPROVED	97	9	13	1	-	-	9	6	-	10	4	7	-	3	1	-	3	1	-	13	10	7
TOTAL DENIED	11	1	1	3	1	-	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	
INTERPRETATION	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	

¹ (1) one side yard eliminated by Ord. #13-12

² (1) front setback eliminated by Ord. #13-07

³ (1) one building coverage eliminated by Ord. #13-07

⁴ F.A.R. eliminated by Ord. #13-07

⁵ F.A.R. eliminated by Ord. #13-07

Per the chart, the greatest number of variances granted in 2013 was for **rear yard**.

The **R-2 Zone(s)** and **OCHN (Ocean City Homes Neighborhood)** had the most variances, 13 each, granted in 2013, accounting for 13% each of the total approved. There is no significant pattern to the variances requested in these two zones.

The **RB (Residential Bayfront) and BNs (Bayou Neighborhood)** were second, with 10 variances granted in each. There is no significant pattern of the type of variances granted in these two zones.

The Board granted 5 use variances, all were to expand existing non-conforming residential use. These expansions appear to be *Super storm Sandy* related as they are a result of added habitable space on non-conforming use.

Of the 34 applications, there were 44 existing non-conformities. After variances and waivers were granted, 141 existing and new non-conformities remained.

Of the total 34 applications, four (4) were denied. One proposal was to construct a new duplex in a duplex zone requiring lot area, lot width, lot frontage, side yard and building coverage variances in the C-2-30/3000 zone. One decision upheld the Administrative Officer's decision to deny a demolition permit in the R-2-50/ HPC. One application was denied for constructing a new duplex in the R-L-1-50 Zone requiring use, lot area, lot width and impervious coverage variances. One decision was a partial denial of an application in the R-1-50 Zone. The application was an expansion of existing non-conforming use, namely a duplex in a single family zone. The applicant proposed to create additional habitable space requiring a use variance. This applicant was subsequently granted side yard setback approval.

There was not a substantial increase to the number of applications submitted, 48 in 2013 compared to 46 in 2012. The number of applications heard did increase from 41 in 2012 to 49.

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.

Prepared By: _____

Jaime M. Cornell-Fine
Zoning Board Secretary

Dated:

Adopted:

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.

c. Roger McLarnon
Administration



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF COMMUNITY OPERATIONS

Code Enforcement • Construction • Engineering • Environmental Management • Parks and Recreation • Planning • Zoning

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Cornell-Fine, Zoning Board Secretary

DATE: February 25, 2015

RE: **2014 Zoning Board Annual Report**

In 2014, The Zoning Board of Adjustment heard a total of 39 applications for a total of 112 variances and 16 waiver requests. Of the 112 variances, 98 or 88% were approved and 14 or 88% of the waiver requests were granted.

In addition to the applications heard by the full Board, seven (7) of the total applications were for amendments reviewed by the Zoning Board Executive Committee. Of the seven (7) reviews, the ZBEC approved six (6) of the applications. The ZBEC continues to be beneficial to the applicants and the Board, saving the applicants time and money and not clogging the Board's agendas.

Of the 32 applications heard by the full Board, there were 71 existing non-conformities on the site. Of the total applications heard by the Board, 15 or 47% were for additions or alterations to existing properties, 16 or 50% were for new construction and 1 or 3% was for a litigation settlement.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

TYPE OF VARIANCE/ WAIVER	GRANTED	ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																					
		R-1	R-2	R-L-1	R-L-2	R-O-1	R-O-2	C-2	BD	RB	G	RMF	RNL	NEEL	BLN	HZ	RN	CB	DB	OCHN	BN	NEN	BV
LOT WIDTH	3							3															
LOT DEPTH	2															2							
LOT AREA	3	1						2															
LOT FRONTAGE	2							2															
REAR YARD	13	1	2				2			1	3			1	1					3	1		
REAR YARD TO DECK/LANDING	4	1					3			1													
ARITHMETIC MEAN REAR SETBACK	4						4																
SIDE YARD	15	2	1	2			1			3	2			3					3	1			
TOTAL SIDE	9	1	1	2			1			3	1			1				2					
FRONT YARD	7	4		2																	1		
SHADE TREE	1									1						1							
IMPERVIOUS COVERAGE	3	1								1		1								1			
BUILDING COVERAGE	9	1								2	1					2			2	1			
TOTAL STORIES	2									1	1			1									
# OF PARKING SPACES	2			1						1							1						
F.A.R.	2									1				1					1				
"D" HEIGHT																							
ACCESORY HEIGHT	1										1												
HABITABLE STORIES	1		1																				
PARKING SETBACK	1							1															
PATIO/DECK ELEVATION	2																	2					
GARAGE SETBACK	1										1						2	1					
USE	4	1																					
GUTTERS DOWNSPOUTS	0																						
BUILDING HEIGHT	3		1								1	1											
EXPANSION OF NON-CONFORMING USE	2		1							1													
SETBACK TO DORMER	2									1	2												
TOTAL APPROVED	98	12	6	9	-	-	11	8	1	-	14	3	-	7	1	7	-	2	-	-	14	1	2
TOTAL DENIED	14										13										1		
WAIVER/PLAT REQUIREMENT(S)	14	2	2	2						2	3			1						1	3		
	2																						

Per the chart, the greatest number of variances granted in 2014 was for **side yard**. Of these variances granted, 14 or 93% were for additions/alterations to existing structures versus 1 or 7% which was granted for new construction. **Rear yard** relief granted accounted for 13, however, if rear yard setback to building, deck and arithmetic mean are taken as a whole, a total of 21 variances were granted. The analysis is the same. Of the total granted, 20 or 95% were for additions/alterations to existing structures versus 1 or 5% which was granted for new construction.

The “G” Zone (Gardens Neighborhood) and “BN” (Bayou Neighborhood) had the most variances, 14 each, granted in 2014, accounting for 15% each of the total approved. The three (3) applications in the BN are all existing undersized lots. There is no significant pattern to the variances requested in G zone.

The “R-1” (Residential Single Family) was second, with 12 variances granted. Front yard setback variances accounted for 33% (4) of the variances granted. Of the two applications that required this relief, one application accounted for three (front yard to building, stairs and porch) on an existing undersized lot, while the other is in an area where the developed block average has 10'-15' front yard setback where 25' is required. It is recommended that this area (west 900 block of Pleasure Avenue) be examined for possible adjustment to the required setback.

The Board granted one expansion of non-conforming use in the BD Zone to settle litigation.

Of the 32 applications heard by the Board, there were 71 existing non-conformities. The conditions varied and there is no significant pattern to the non-conformities.

Of the total 39 applications, one (1) application was denied (13 variances and 2 waivers); one (1) variance was denied (one application had one approved and one denied) and one (1) executive review was denied. The one application denied was a proposal for a new single family requiring side yard to building, side yard to deck, side yard to stairs, aggregate side yard to building, aggregate side yard to deck, aggregate side yard to stairs, rear yard to building, rear yard to porch, total stories, impervious coverage, floor area ratio (f.a.r.) and dormer setback; waivers for one street tree and lot grading. The site is on an existing non-conforming corner lot with deficient area, frontage and width in the RB Zone (Residential Bayfront). The application in the BN (Bayou Neighborhood) was denied a rear yard variance but was granted building coverage relief.

There was not a substantial decrease to the number of applications submitted, 44 in 2014 compared to 48 in 2013. The number of total applications heard (including executive review) did decrease from 49 in 2013 to 39. While the Zoning Board Executive Committee continues to prove to be beneficial to the process, full Board applications submitted are required to provide more detailed information prior to hearing to possible avoid further revisions to the review committee and/or full Board.

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.

Prepared By:


Jaime M. Cornell-Fine
Zoning Board Secretary

Adopted: 2/25/15

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.

c. Roger McLarnon
Administration



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Cornell-Fine, Certified Zoning Board Secretary

DATE: January 20, 2016

RE: **2015 Zoning Board Annual Report**

In 2015, The Zoning Board of Adjustment heard a total of 48 applications for a total of 113 variances and one waiver request. Of the 113 variances, 110 or 97% were approved and one or 100% of the waiver requests were granted. It should be noted one of the applications was for appeal of administrative office as per §25-800.4.a and one was for an interpretation as per §25-800.2.a (2).

In addition to the applications heard by the full Board, seven (7) of the total applications was for an amendments reviewed by the Zoning Board Executive Committee. Of the seven reviews, the ZBEC approved six (6) of the applications. The ZBEC continues to be beneficial to the applicants and the Board, saving the applicants time and money and not clogging the Board's agendas.

Of the 43 applications heard by the full Board, there were 79 existing non-conformities on the site. Of the total applications heard by the Board, 24 or 56% were for additions or alterations to existing properties and 15 or 35% were for new construction. In addition, there were two appeals, one application was "heard" then tabled and one was for an amendment to a previously approved plan.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

TYPE OF VARIANCE/ WAIVER	ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																						
	GRANTED	R-1	R-2	R-L-1	R-L-2*	R-O-1	R-O-2	C-2	RPN	R-MB	G	MP	RN-L	NB	BLN	HZ	RN	CB	DB	OCHN	BN	NEN	BV
LOT WIDTH	4		2		1																1		
LOT DEPTH	1													1									
LOT AREA	5		3											1							1		
LOT FRONTAGE	2		1																		1		
REAR YARD	20	3	3				2	3		2	1									1	3	2	
REAR YARD TO DECK/LANDING	5	1						1			1									1	1		
ARITHMETIC MEAN REAR SETBACK	1						1																
SIDE YARD	19	3	5	3							3									2		3	
TOTAL SIDE	9	2	2	1																2		2	
FRONT YARD	7	2						2	1		1											1	
SHADE TREE	0																						
IMPERVIOUS COVERAGE	5			1			1													2		1	
BUILDING COVERAGE	6		2					2			1								1	1			
TOTAL STORIES	2							2															
# OF PARKING SPACES	3		3																				
F.A.R.	2										1									1			
“D” HEIGHT	0																						
ACCESORY HEIGHT	1			1																			
HABITABLE STORIES	5		2					2			1												
PARKING SETBACK	1							1															
PATIO/DECK ELEVATION	0																						
GUTTERS/ DOWNSPOUTS	3	1	2																				
USE	4	1								1				1							1		
BUILDING HEIGHT	1		1																				
EXPANSION OF NON-CONFORMING USE	4	1	2																		1		
SETBACK TO DORMER	0																						
TOTAL APPROVED	110	14	28	6	1	0	4	13	1	1	9	1	0	3	0	0	0	0	0	3	17	0	9
TOTAL DENIED	3										2			1									
WAIVER/PLAT REQUIREMENT(S)	1									1													

Per the chart, the greatest number of variances granted in 2015 was for **rear yard**. Of these variances granted, 14 or 70% were for additions/alterations to existing structures and versus 6 or 30% which were granted for new construction. It should be noted if **side yard** relief granted accounted for side yard to structure and aggregate side yard setbacks are taken as a whole, a total of 29 variances were granted. Of the total granted, 27 or 93% were for additions/alterations to existing structures versus 2 or 6% which was granted for new construction.

The **R2 Zone (Residential Two Family)** had the most variances, 28, granted in 2015, accounting for 25% each of the total approved. Three (3) applications in the R2 are existing undersized lots. There is no significant pattern to the variances requested in R2 zone.

The **BN (Bayou Neighborhood)** was second, with 17 variances granted. While there is no significant pattern to the variances requested in BN zone, it should be noted only three (3) of the total applications submitted were in this zone, yet had the second highest variance relief granted.

Of the 43 applications heard by the full Board, there were 79 existing non-conformities. The existing conditions varied and there is no significant pattern to the non-conformities.

Of the total 50 applications, two (2) applications were denied (3 variances). One application denied in the NB (Neighborhood Business) was a proposal for a new single family requiring a D1 use variance. The second application in the G (Gardens Neighborhood) was denied rear yard and building coverage variances.

There was an increase to the number of applications submitted, 55 in 2015 compared to 44 in 2014, an increase of 11 applications or 25%. The number of total applications heard (including executive review and tabled application) went up slightly from 49 in 2014 to 50 in 2015. While the Zoning Board Executive Committee continues to prove to be beneficial to the process, full Board applications submitted are required to provide more detailed information prior to hearing to possibly further avoid revisions to the review committee.

As post-Sandy structural rehabilitation and development continues, a large portion of the Zoning Board's reviews deal with the raising of homes above the BFE+3 standard to allow under-home parking which requires variance relief for existing non-conformities.

Prepared By: _____

Jaime M. Cornell-Fine
Certified Zoning Board Secretary

Dated:

Adopted:

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.

c. Administration



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Cornell-Fine, Certified Land Use Administrator

DATE: January 5, 2017

RE: **2016 Zoning Board Annual Report**

In 2016, The Zoning Board of Adjustment heard a total of 43 applications for a total of 100 variances and 8 waiver requests. Of the 100 variances, 92 or 92% were approved and nine (9) or 100% of the waiver requests were granted. It should be noted, one (1) application was for an amendment to eliminate a deed restriction from a previously approved application. Four (4) of the total application were continued to later dates, two of which are still pending a hearing.

In addition to the applications heard by the full Board, five (5) of the total applications were for amendments reviewed by the Zoning Board Executive Committee. Of the five reviews, the ZBEC approved 100% of the applications. The ZBEC continues to be beneficial to the applicants and the Board, saving the applicants time and money and not clogging the Board's agendas.

Of the 34 applications heard by the full Board, there were 54 existing non-conformities on the site. Of the total applications heard by the Board, 21 or 54% were for additions or alterations to existing properties and 12 or 35% were for new construction.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

TYPE OF VARIANCE/ WAIVER	ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																				TOTAL GRANTED		
	R-1	R-2	R-L-1	R-L-2	R-O-1	R-O-2	RB	RPN	R-MF	G	MPN	SPN	NB	BLN	HZ	RN	CB	DB	OCHN	MVH	NEN	ON BD	
LOT WIDTH	1				3														1		5		
LOT DEPTH																					0		
LOT AREA	1				2														1		4		
LOT FRONTAGE	2																		1		3		
REAR YARD	2				3					1	1	1							1		8		
REAR YARD TO DECK/LANDING	1					2																3	
ARITHMETIC MEAN REAR SETBACK					2																	2	
SIDE YARD	1	2			7	1			2	1									1		14		
AGGREGATE SIDE YARD	1	2			5	1				1									1		10		
FRONT YARD	1					1			1	1		1						1	1	1		5	
SHADE TREE																						0	
IMPERVIOUS COVARIAGE					3	1			1			1							1		6		
BUILDING COVERAGE					3	1			1	1		1			1				1		8		
TOTAL STORES																						0	
# OF PARKING SPACES							1		1													1	
F.A.R.							1		1													1	
"D" HEIGHT																						0	
ROOFTOP DECK SETBACK						1																1	
HABITABLE STORIES		1			2											1						4	
PARKING SETBACK																		2				2	
PATIO/DECK ELEVATION			1																			1	
SIGN PROJECTION																				1	1		
USE							1		1			1			1			2			5		
BUILDING HEIGHT									1													1	
EXPANSION OF NON-CONFORMING USE	1								2									2				5	
ROOF EAVE HEIGHT									1													1	
HALF STORY ROOF PITCH									1													1	
SUBDIVISION									1*						1*			1*					
MINOR SITE PLAN									1*														
ELIMINATE DEED RESTRICTION																	1*						
TOTAL APPROVED	3	14	0	0	0	31	10	0	0	9	0	5	0	0	3	0	0	0	2	12	2	1	92
TOTAL DENIED	0	0	0	0	0	0	0	0	5	0	3	0	0	0	0	0	0	0	0	0	0	0	8
WAIVER/PLAT REQUIREMENT(S)	0	2	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	9
EXISTING NON CONFORMITIES	0	13	0	0	0	11	3	0	0	16	4	1	0	0	0	0	0	0	2	4	0	0	0

*Approved subdivision(s), minor site plan and elimination of deed restriction not counted in total variances granted/denied

Per the chart, the greatest number of variances granted in 2016 was for *side yard*. Of these variances granted, 100% were for additions/alterations to existing structures. The variances granted for side yard included such relief for encroachments to structure, decks, stairs and/or landings with no discernible pattern. If taken as a whole, relief granted for *side yard* and *aggregate side yard* total of 24 variances. Of the whole total granted, 100% were for additions/alterations to existing structures. A majority of these existing structures were proposing to "lift" the structure to add on-site parking or become flood compliant.

The **R-O-2 Zone (Residential Oceanfront Two Family)** had the most variances, 31, granted in 2016, accounting for 34% of the total approved. A total of nine (9) applications were submitted in this zone or 26% of the total applications heard. One (1) application in the R-O-2-40 Zone is an existing significantly undersized lot accounting for eight (8) of the total variances granted in the zone. Otherwise, there is no significant pattern to the variances requested.

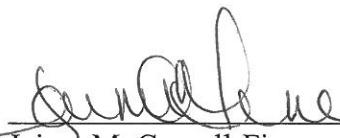
The **R2 (Residential Two Family)** was second, with 14 variances granted. A total of seven (7) applications were submitted in this zone or 21%. There is no significant pattern to the variances requested.

Of the 34 applications heard by the full Board, there were 54 existing non-conformities. Eleven (11) of those were for undersized lots throughout various zones. The remaining non-conforming conditions varied with no significant pattern.

Of the total 34 applications heard by the Board, two (2) applications were denied. One was in the MPN (Merion Park neighborhood) Zone requesting side yard, aggregate side yard and rear yard setback variances for a deck addition. The second was in the RMF (Residential Multi-Family) Zone for an amendment to a previously approved major subdivision and site plan preliminary granted in 2005 and final granted in 2006. The amendment requested front and rear yard setbacks, D6 height, total habitable stories and building coverage variances.

There was a decrease to the number of applications submitted, 42 in 2016 compared to 55 in 2015, a decrease of 13 applications or 24%. The number of total applications heard (including executive review) slightly decreased, 43 in 2016 compared to 47 in 2015 for a decrease of 8%. While the Zoning Board Executive Committee continues to prove to be beneficial to the process, full Board applications submitted are required to provide more detailed information prior to a hearing to possibly further avoid revisions to the review committee.

Prepared By:



Jaime M. Cornell-Fine

Certified Land Use Administrator

Dated: 1/18/17

Adopted:

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.

c. Administration



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Richard Waddell Chair,
Planning Board of Ocean City,
City Council of the City of Ocean City

FROM: Jaime M. Cornell-Fine, Certified Land Use Administrator

DATE: January 30, 2018

RE: **2017 Zoning Board Annual Report**

In 2017, The Zoning Board of Adjustment heard a total of 40 applications for a total of 67 variances and 5 waiver requests. Of the 67 variances, 62 or 92% were approved and five (5) or 100% of the waiver requests were granted. It should be noted, one (1) application was for an appeal of administrative officer and was not included in total number of variance requests, and subsequently the Board upheld the officer's decision. Another was for an extension of subdivision approval which is also not included in total. One (1) of the total applications was continued to a later date and was heard January 2018.

In addition to the applications heard by the full Board, eight (8) of the total applications were for amendments reviewed by the Zoning Board Executive Committee. Of the five reviews, the ZBEC approved 100% of the applications. The ZBEC continues to be beneficial to the applicants and the Board, saving the applicants time and money and not clogging the Board's agendas.

Of the 32 applications heard by the full Board, there were 72 existing non-conformities on the site. Of the total applications heard by the Board, 20 or 63% were for additions or alterations to existing properties and 12 or 37% were for new construction.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

		ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																						
TYPE OF VARIANCE/ WAIVER		R-1	R-2	R-L-1	R-L-2	R-O-1	R-O-2	RB	RPN	R-MF	G	MPN	SPN	NB	BN	BV	RNL	CB	DB	OCHN	MVH	NEN	ON BD	TOTAL GRANTED
		LOT WIDTH	2																					
LOT DEPTH																						0		
LOT AREA		2																			1	3		
LOT FRONTAGE																						0		
REAR YARD		2				3				2	1				1	1						8		
REAR YARD TO DECK/LANDING		1					1															2		
ARITHMETIC MEAN REAR SETBACK								3														3		
SIDE YARD	1	3				3			1											1		10		
AGGREGATE SIDE YARD	1	1				1						1							1			5		
FRONT YARD		1								1	1				1							4		
IMPERVIOUS COVERAGE																						0		
BUILDING COVERAGE			1						1	1	1								1			4		
HABITABLE STORIES		1																				1		
TOTAL STORIES									1	1												0		
BUILDING HEIGHT																						0		
ROOF EAVE HEIGHT																						0		
OFF-STREET PARKING			1															1				2		
PARKING SETBACK																						0		
PARKING ACCESS										1									1		2			
D1 USE								1												1	2			
D2 EXPANSIN NON-CONFORMING USE		1									1								1		3			
D3 CONDITIONAL USE STANDARD																		1				1		
D4 F.A.R.																						0		
D5 DENSITY																						0		
D6 HEIGHT									1													0		
ROOFTOP DECK SF		1																				1		
ROOFTOP DECK SETBACK		1																				1		
PATIO/DECK ELEVATION																1						1		
PATIO/DECK ENCROACHMENT																1						1		
ARCHITECTURAL PROJECTION			1																			1		
TOTAL APPROVED		7	14	0	0	0	11	0	0	1	5	2	5	0	2	1	4	2	0	3	0	4	1	62
TOTAL DENIED											5												5	
APPEAL									1														1	
SUBDIVISION EXTENSION																			1				1	
WAIVER/PLAT REQUIREMENT(S)			1							1						1					1	1	5	
EXISTING NON-CONFORMITIES		14	4				6		4	17	1				7	2	8				5	4	72	
NEW CONSTRUCTION			3						2						1	1						7		
ADDITION/ALTERATION		3	1				3		1	3	1	1		1	1	1	1		2	1	20			

Per the chart, the greatest number of variances granted in 2017 was for *side yard*. Of these variances granted, nine (9) or 90% were for additions/alterations to existing structures. If taken as a whole, relief granted for *side yard* and *aggregate side yard* total of 15 variances. Of the whole total granted, 14 or 93% were for additions/alterations to existing structures. A majority of these existing structures were proposing to “lift” the structure to accommodate on-site parking or become flood compliant.

The **R-2 Zone (Non Discreet Residential Two Family)** had the most variances, 14, granted in 2017, accounting for 23% of the total approved. A total of four (4) applications were submitted in this zone or 10% of the total applications heard. One (1) application in the R-O-2-40 Zone is an existing significantly undersized lot accounting for eight (8) of the total variances granted in the zone. Otherwise, there is no significant pattern to the variances requested.

The **R-O-2 (Residential Oceanfront Two Family)** was second, with 11 variances granted. A total of three (3) applications were submitted in this zone or 7%. All three (3) were granted arithmetic mean rear yard setback, rear yard and side yard and all are raising existing structures above the permitted 3' above b.f.e.

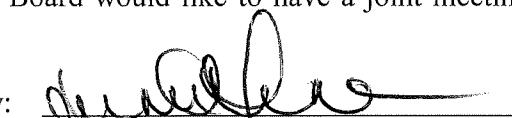
Of the 32 applications heard by the full Board, there were 72 existing non-conformities, ten (10) of those were for undersized lots throughout various zones. The remaining non-conforming conditions varied with no significant pattern.

Of the total applications heard by the Board, one (1) application was denied and one upheld decision of administrative officer. The two “denied” were the same applicant in the Gardens (G50/5000). The one denied was for five variances, including rear and side yard setback, D6 height, building coverage and total stories variances. The latter application, the applicant sought an appeal from the Administrative Officer’s decision indicating that the rear property line of the subject property is the line that cuts an angle from Seaview Road towards a line that is parallel to Seaview Road, approximately 17 feet. As a result of that determination the rear yard setback is measured to that property line width, creating a scenario where setbacks become substantially bigger than they would have if the line had been a side lot line. The Board subsequently upheld the Zoning/Administrative Officer’s decision.

There was a decrease to the number of applications submitted, 37 in 2017 compared to 42 in 2016, a decrease of 5 applications or 12%. The number of total applications heard (including executive review) slightly decreased, 40 in 2017 compared to 43 in 2016 for a decrease of 6%. The Zoning Board Executive Committee reviewed eight (8) applications. While the Zoning Board Executive Committee continues to prove to be beneficial to the process, full Board applications submitted are required to provide more detailed information prior to a hearing to possible further avoid revisions to the review committee.

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.

Prepared By:


Jaime M. Cornell-Fine
Certified Land Use Administrator

Dated: 1/30/18

Adopted: 2/21/18

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Felker, Certified Land Use Administrator

DATE: January 23, 2019

RE: **2018 Zoning Board Annual Report**

In 2018, The Zoning Board of Adjustment heard a total of 35 applications for a total of 98 variances and 15 waiver requests. Of the 98 variances, 97 or 99% were approved and fifteen (15) or 100% of the waiver requests were granted. Three (3) of the total applications were continued to later dates, two of which are still pending a hearing, leaving an actual count of 32 applications heard before full Board in 2018.

In addition to the applications heard by the full Board, seven (7) of the total applications were reviewed by the Zoning Board Executive Committee. Of the seven reviews, two (2) were as a condition of Board approval and five (5) were for amendments to previously approved plan(s). Of the seven reviews, the ZBEC approved 100% of the applications. The ZBEC continues to be beneficial to the applicants and the Board, saving the applicants time and money.

Of the 32 applications heard by the full Board, there were 39 existing non-conformities on the site. Of the total applications heard by the Board, 18 or 56% were for additions or alterations to existing properties and 14 or 44% were for new construction.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

TYPE OF VARIANCE/ WAIVER	ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																					
	R-1	R-2	R-L-1	R-L-2	R-O-1	R-O-2	RB	RPN	R-MF	G	MPN	SPN	NB	BN30	C2-40/4000	CB-1	CB	DB	OCHN	MVH	NEN	ON BD
LOT WIDTH		1			1			1						1							4	4
LOT DEPTH																					0	0
LOT AREA		1														1					2	2
LOT FRONTAGE						1															1	1
REAR YARD	1	1			2	1			1		3			1							10	10
REAR YARD TO DECK/SHED			2		2	1					2										7	7
ARITHMETIC MEAN REAR SETBACK					1	2															3	3
SIDE YARD		1	1			2			1		5										10	10
AGGREGATE SIDE YARD		1	1			2					2										6	6
FRONT YARD	2	1	1						1		3							1			9	9
GUTTERS & DOWNSPOUTS			1																		1	1
IMPERVIOUS COVERAGE			2		1	1					1		1		1						7	7
BUILDING COVERAGE			2		1	2			2		1										8	8
TOTAL STORES									1		2										3	3
# OF PARKING SPACES		1														4					1	1
ROOF EAVE/ RIDGE/DORMER HEIGHT																					4	4
BUILDING HEIGHT									1												1	1
ROOFTOP DECK HEIGHT						1															1	1
HABITABLE STORIES						2										1					3	3
PARKING SETBACK	1														1						2	2
PATIO/DECK ENCROACHMENT														1							1	1
NUMBER OF SIGNS										1							1				0	0
CHIMNEY HEIGHT																					1	1
D1 USE					1																1	1
D2 EXPANSION OF NON-CONFORMING USE	1											1						2			4	4
D4 F.A.R.											1										1	1
LANDSCAPING STONES																			1		1	1
GARAGE SCREENING																1					1	1
FENCE									1												1	1
CUPOLA AREA																1					1	1
HALF STORY INTEGRATION											1										1	1
DORMER SETBACK											1										1	1
TOTAL APPROVED	6	10	6	0	10	14	0	1	0	9	0	23	0	2	3	9	0	0	3	0	1	97
TOTAL DENIED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
WAIVER/PLAT REQUIREMENT(S)	1	1	2	0	0	3	0	0	0	3	0	5	0	0	0	0	0	0	0	0	0	15
EXISTING NON CONFORMITIES	3	0	3	0	4	1	0	0	0	7	0	4	0	8	0	0	7	0	2	0	UNK	39

Per the chart, the greatest number of variances granted in 2018 was for *side yard* and *rear yard setbacks*. Of the rear yard variances granted, 3 (three) or 30% of the rear yard variances were for new construction, 7 (seven) or 70% were for addition/alterations. The rear yard variances granted are further broken down to 4 (four) were for relief to building, 3 (three) were for rear setback to deck, 1 (one) arithmetic mean to building, 1 (one) arithmetic mean to deck and 1 (one) to setback to stairs. Of the side yard variances granted, 9 (nine) or 90% were for additions/alterations to existing structures. The variances granted for side yard included such relief for encroachments to structure, decks, stairs and/or landings with no discernible pattern. If taken as a whole, relief granted for *side yard* and *aggregate side yard* total of 16 variances. A majority of these existing structures were proposing to "lift" the structure to add on-site parking or become flood compliant.

The **SPN Zone (Stenton Place)** had the most variances, 23, granted in 2018, accounting for 24% of the total approved. A total of four (4) applications were submitted in this zone or 11% of the total applications heard. One application submitted is an existing single family structure raised accounting for nine (9) of the total variances granted in the zone; one application was an existing non-conforming triplex use that was raised and reduced to a duplex, requiring seven (7) variances; one application was a single family raised requiring six (6) variances, and lastly, one application was for new construction requiring one (1) variance. The majority of variances granted were for existing non-conforming structures that were raised above bfe/zfe.

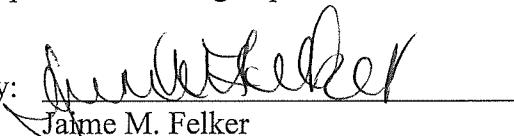
The **R-O-2 (Residential Oceanfront Two Family)** was second, with 14 variances granted. A total of six (6) applications were submitted in this zone or 17%. Three were for new construction and three were for alterations/additions. One application was for an existing single family being raised above bfe/zfe that required seven (7) of the total variances granted in this zone. Otherwise, there is no significant pattern to the variances requested.

Of the 35 applications heard by the full Board, there were 36 existing non-conformities. The non-conforming conditions varied with no significant pattern throughout.

Of the total 35 applications heard by the Board, one (1) application was denied. The applicant requested relief in the CB for allowable number of signs permitted on a storefront. The applicant did not meet the criteria for granting the variance so the application was denied. No appeal has been taken.

There was a decrease to the number of applications submitted, 38 in 2018 compared to 40 in 2017, a decrease of 2 applications or 5%. The number of total applications heard increased to 42 including 7 reviewed by the Executive Committee compared to 40 in 2017. While the Zoning Board Executive Committee continues to prove to be beneficial to the process, full Board applications submitted are required to provide more detailed information prior to a hearing to possibly further avoid revisions to the review committee.

Prepared By:



Jaimie M. Felker
Certified Land Use Administrator

Dated: 1/23/19 Adopted: 1/23/19

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.

c. Administration



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Felker, Certified Land Use Administrator

DATE: January 15, 2020

RE: **2019 Zoning Board Annual Report**

In 2019, The Zoning Board of Adjustment heard a total of 41 applications for a total of 99 variances and 3 waiver requests. Of the 99 variances, 92 or 93% were approved and 100% of the waiver requests were granted. Nine (9) of the total applications were continued to later dates, two of which are still pending a hearing, leaving an actual count of 39 applications heard before full Board in 2019.

In addition to the applications heard by the full Board, nine (9) applications were submitted and reviewed by the Zoning Board Executive Committee, giving a gross total of 44 applications submitted. Of the nine reviews, all were for amendments to previously approved plan(s). Of those Executive reviews, the ZBEC denied two (2) or 22% of the applications. An applicant is encouraged to submit the actual final plans with the initial Board application so as to avoid an application to the Executive Committee. The ZBEC continues to be beneficial to the applicants and the Board when unavoidable or unknown conditions are discovered after the hearing.

Of the 39 applications heard by the full Board, there were 60 existing non-conformities on the site. Of the total applications heard by the Board, 24 or 62% were for additions or alterations to existing properties and 15 or 38% were for new construction.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																											
TYPE OF VARIANCE/ WAIVER	BN	BD	CB	CB-1	C	DB	G	MVH	MPN	NEEL	NB	NEN	OCHN	ON-BD	R-1	R-2	RB	RMB	R-L-1	R-L-2	RMF	RPN	RN	R-O-1	R-O-2	SPN	TOTAL GRANTED
	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
LOT WIDTH					1															1			2	1			
LOT DEPTH																											
LOT AREA																											
LOT FRONTAGE					1															1			2				
REAR YARD					1										3	3	2	1	1	1	4	1	15	1			
REAR YARD TO DECK/SHED																	1	2				4	1	7	1		
ARITHMETIC MEAN REAR SETBACK																						7	2	7	2		
SIDE YARD					1		1				2		5	2						2	4		17				
AGGREGATE SIDE YARD					1								2	2	1					1	2		9				
FRONT YARD					1						1	1	1	2							1		7				
GUTTERS & DOWNSPOUTS																											
IMPERVIOUS COVERAGE															1	2				1		1	5	1			
BUILDING COVERAGE					1		1				1	1			1						2	1	7	1			
TOTAL STORIES																											
# OF PARKING SPACES					1																		1				
ROOF EAVE																											
BUILDING HEIGHT																											
ROOFTOP DECK HEIGHT																											
HABITABLE STORIES																1					1		2				
PARKING SETBACK																											
DETACHED GARAGE IN FRONT OF BLDG																						1		1			
NUMBER OF SIGNS																											
PARKING IN FRONT YARD																1							1				
D1 USE											2		1										3				
D2 EXPANSION NON-CONFORMING USE					1							1			1								3				
D4 F.A.R.												1											1				
D6 HEIGHT															1	1							2				
FENCE																											
HALF STORY INTEGRATION																											
DEMOLITION AMENDMENT																						*					
TOTAL APPROVED	0	1	1	5	2	0	2	0	0	1	2	3	4	2	16	13	0	5	0	0	2	2	4	0	27	0	92
TOTAL DENIED	0	0	0	0	1	0	0	0	0	0	0	0	0	6	0	7											
WAIVER/PLAT REQUIREMENT(S)	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	3		
EXISTING NON CONFORMITIES	0	0	0	1	0	0	5	0	0	3	0	2	4	0	18	3	0	6	0	0	10	0	3	0	5	0	60

*ZBEC denied an application to exceed demolition plan for variance application previously granted. Applicant applied for amended approval to full Board with no further variance(s) required.

Per the chart, the greatest number of variances granted in 2019 continues to be for *side yard setbacks*. Of the side yard variances granted, 14 (fourteen) or 82% were for alteration(s) to existing structures. The variances granted for side yard included such relief for encroachments to structure, decks, stairs and/or landings with no discernible pattern. If taken as a whole, relief granted for *side yard* and *aggregate side yard* total of 26 variances. A majority of these existing structures were proposing to "lift" the structure above the BFE +3.

The **R-O-2 Zone (Residential Oceanfront- Two Family)** had the most total variances (33) applied for. Of those, 27 or 82% were granted in 2019. A total of eight (8) applications or 23% of the applications heard were for this zone. One application heard for this zone was for an existing non-conforming structure that was completely destroyed by fire and required six (6) variances to be rebuilt in a similar footprint. Five (5) of these application were for alterations to existing structure.

The **R-1 (Residential Single Family)** was second, with 16 variances granted. A total of five (5) applications were heard in this zone or 13%. All were for existing single family structures. Of those applications, four (4) were in the R-1-40 Zone and one (1) was in the R-1-30 Zone. There is no significant pattern to the variances requested.

Of the 39 applications heard by the full Board, there were 60 existing non-conformities. The non-conforming conditions varied with no significant pattern throughout.

Of the total 39 applications heard by the Board, two (2) applications were denied. One in the C (Corinthian Zone) was for proposed new duplex requiring lot width variance. A request for the meeting transcript has been received so an appeal may be pending. The second denial was in the R-O-2-40 Zone that previously had variance relief granted for renovation in 2018 but subsequently was destroyed by fire. The applicant submitted for new duplex requiring 6 (six) variances on an adequately sized lot. The applicant did not meet the criteria for granting the variance so the application was denied.

There was a decrease to the number of applications submitted, 35 in 2019 compared to 40 in 2018, however there was an increase to the number of executive reviews applied for. The number of total applications heard increased to 41 not including 9 (nine) reviewed by the Executive Committee. While the Zoning Board Executive Committee continues to prove to be beneficial to the process, full Board applications submitted are required to provide more detailed information prior to a hearing to possible further avoid revisions to the review committee.

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.

Prepared By:


Jaime M. Felker, Certified Land Use Administrator

Adopted: 1/15/20

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.

c. Administration



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Felker, Certified Land Use Administrator

DATE: January 20, 2021

RE: **2020 Zoning Board Annual Report**

In 2020, The Zoning Board of Adjustment heard a total of 33 applications for a total of 91 variances. Of the 91 variances, 87 or 95% were approved. Six (6) of the total applications were continued to later dates, two of which are still pending a hearing, and one (1) withdrew their application leaving an actual count of 30 applications heard before full Board in 2020.

In addition to the applications heard by the full Board, four (4) applications were submitted and reviewed by the Zoning Board Executive Committee, giving a gross total of 34 applications reviewed. Of the four reviews, all were for amendments to previously approved plan(s). Of those Executive reviews, the ZBEC denied one (1) of the applications and required full Board to review. The denied/amended plan was an increase to proposed demolition. The application was submitted as a "renovation" but upon construction a significant amount of existing structure was demolished. The full Board approved the amended demolition plan. One of the ZBEC application that was approved resulted in litigation whereas the Zoning Officer reviewed and determined the amendment qualified for executive review. The other condo unit owner appealed by way of prerogative writ as is appeared the amendment granted further variance relief which the ZBEC does not have the authority to grant. The litigation is ongoing. Another active litigation involves a denial in 2019 for lot width in the C2-40/4000 Zone by the full Board. The applicant resubmitted in 2020 whereas the Board found res judicata did not apply and subsequently denied that application as well. The 2019 litigation was reinstated.

Of the 30 applications heard by the full Board, there were 112 existing non-conformities on the site. Of the total applications heard by the Board, 15 or 50% were for additions or alterations to existing properties and 14 or 48% were for new construction. There was one (1) appeal of administrative officer that was upheld for denial of demolition based on HPC recommendation.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																											
TYPE OF VARIANCE/ WAIVER	BN	BD	CB	CB-1	C	DB	G	HZ	MVH	NEEL	NB	NEN	OCHN	ON-BD	R-1	R-2	RB	RMB	R-L-1	R-L-2	RMF	RPN	RN	R-Q-1	R-Q-2	SPN	TOTAL GRANTED
LOT WIDTH					1				1						2				1				1	5			
LOT DEPTH																							0				
LOT AREA									1													1	2				
LOT FRONTAGE									1										1				2				
REAR YARD	2					2					2				2							2	10				
REAR YARD TO DECK/SHED	1																					2	3				
ARITHMETIC MEAN REAR SETBACK																							0				
SIDE YARD	3					3				3											3	12					
AGGREGATE SIDE YARD	1									2				1							2	6					
FRONT YARD	1					1					2	1										5					
GUTTERS & DOWNSPOUTS																							0				
IMPERVIOUS COVERAGE	2										2			1							2	7					
BUILDING COVERAGE	1					3					2			2							2	10					
TOTAL STORIES							1				1										1	3					
# OF PARKING SPACES											1										1	2					
ROOF EAVE																						0					
BUILDING HEIGHT											1											1					
ROOFTOP DECK HEIGHT							1															1					
HABITABLE STORIES																						0					
PARKING SETBACK								1														1					
GARAGE SETBACK							2							1			1					4					
AMENDMENT TO DEMOLITION PLAN																					1	1					
PARKING SPACE SIZE								1														1					
DI USE									1	1			1	1								3					
D2 EXPANSION NON-CONFORMING USE	2						2															4					
D4 F.A.R.										2												2					
D6 HEIGHT								1														1					
% ATTIC PITCHED ROOF																					1	1					
PORCH ROOF SLOPE								1														1					
PARKING IN FRONT YARD														1								0					
TOTAL APPROVED	13				0	17	2	3	1	18	1	1	1	9			3			19		88					
TOTAL DENIED					1				1					1			1					3					
EXISTING NON CONFORMITIES	16	0	0	0	7	0	14	4	0	0	6	17	2	0	8	20	0	0	0	0	18	0	112				

Per the chart, the greatest number of variances granted in 2020 continues to be for *side yard setbacks* with a total of 12 granted. Of the side yard variances granted, 10 (ten) or 83% were for alteration(s) to existing structures. The variances granted for side yard included such relief for encroachments to structure, decks, stairs and/or landings, architectural projections with no discernible pattern.

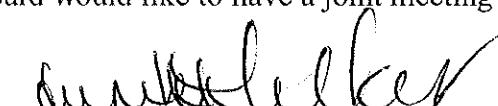
The **NEN Zone (North End neighborhood- Single Family)** had the most total variances (18) applied for. Of those, 100% were granted in 2020. A total of two (2) applications heard were for this zone or 6%. One application was for an existing non-conforming structure that was on a severely undersized corner lot, whereas the one side was on an alley and required eight (8) variances to be rebuilt a viable single family home. The other application was a renovation that required ten (10) total variances to elevate existing duplex and convert to a single family residence.

The **G Zone (Gardens- Single Family)** was second, with 17 variances granted. A total of five (5) applications were heard in this zone or 15%. Three (3) applications were for new construction which accounted for 11 (eleven) variances and the remaining two (2) applications were renovations and expansions of non-conforming uses.

Of the 30 applications heard by the full Board, there were 112 existing non-conformities. The non-conforming conditions varied with no significant pattern throughout. A significant amount of the non-conformities were eliminated with the new construction.

There was a decrease to the number of applications submitted, 26 in 2020 compared to 35 in 2019. In March 2020 Governor Murphy issued Executive Order 107 which resulted in all public meetings to be switched to virtual/remote. This emergent situation resulted in all regularly scheduled in person meetings to be cancelled for the months of March and April. When the conversion was made, a special meeting was held the end of April and the Board continues to hear applications and conduct business in a timely manner via electronic means.

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.

Prepared By:  Adopted: 1/20/2021
Jaime M. Felker, Certified Land Use Administrator

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.

c. Administration



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Felker, Certified Land Use Administrator

DATE: January 19, 2022

RE: **2021 Zoning Board Annual Report**

In 2021, The Zoning Board of Adjustment heard a total of 24 applications for a total of 65 new variances applied for. Six (6) were tabled to later dates in 2021 and heard and four (4) of those are still pending a hearing accounting for reduction of 10 of the total variances applied for. Of the 55 variances remaining, 46 or 79% were approved.

In addition to the applications heard by the full Board, two (2) applications were submitted and reviewed by the Zoning Board Executive Committee, giving a gross total of 26 applications reviewed. Of the two reviews, all were for amendments to previously approved plan(s). Of those Executive reviews, the ZBEC recommended the administrative officer approve the minor revisions that did not result in additional variance/waiver relief.

Of the 20 applications heard by the full Board, there were 80 existing non-conformities on the site. Of the total applications heard by the Board, 15 or 75% were for additions or alterations to existing properties and 5 or 25% were for new construction. There was one (1) for interpretation which the Board agreed "music studio" is a permitted use under the in DB Zone and simultaneously granted site plan waiver. The Board granted minor site plan with extension(s) until 2023 in conjunction with a D1 and D6 variances for temporary cell tower in ON-BD Zone.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																												
Type of Variance/ Waiver	BN	BV-1-35	CB	CB-1	C	DB	G	HZ	MPN	NEEL	NB	NEN	OCHN	ON-BD	R-1	R-2	RB	RMB	R-L-1	R-L-2	RMF	RPN	RNL	R-O-1	R-O-2	SPN	Total Granted	
LOT WIDTH																										1		
LOT DEPTH																1										2		
LOT AREA															1											1		
LOT FRONTAGE																												
REAR YARD							2								1	1										4		
REAR YARD TO SHED/DECK/POOL							1																			1		
ARITHMETIC MEAN REAR SETBACK							2																			2		
SIDE YARD							1										6									4		
AGGREGATE SIDE YARD							1										2									3		
FRONT YARD								1													1		4			6		
GUTTERS & DOWNSPOUTS																	1										1	
IMPERVIOUS COVERAGE								1									2										3	
BUILDING COVERAGE								1								1	2									1		
TOTAL STORIES																											1	
# OF PARKING SPACES			1																								1	
ROOF EAVE																											1	
BUILDING HEIGHT																												
ROOFTOP DECK HEIGHT																												
HABITABLE STORIES																												
PARKING SETBACK																												
GARAGE SETBACK																												
PARKING IN FRONT YARD																	1										1	
PARKING SPACE SIZE																												
D1 USE		1										2			1	1										4		
D2 EXPANSION NON-CONFORMING USE												1															2	
D4 F.A.R.																												
D5 DENSITY												1															1	
D6 HEIGHT																1											1	
% ATTIC PITCHED ROOF																												
PORCH ROOF SLOPE																												
SIGNAGE		1																										1
SITE PLAN &/OR WAIVER							1								1													
INTERPRETATION								1																				
TOTAL APPROVED	1	2					0	3		3		2			2	4	15						1	13		46		
TOTAL DENIED							0	6				2				1	0									9		
EXISTING NON CONFORMITIES	8	0					4	10		8		6			0	8	20						2	14		80		

Per the chart, the greatest number of variances granted in 2021 continues to be for *side yard setbacks* with a total of 11 granted. Of the side yard variances granted, 9 (nine) or 82% were for alteration(s) to existing structures. The variances granted for side yard included such relief for encroachments to structure, decks, landings, eaves, arbor, and/or shower with no discernible pattern.

The **R-2 Zone (non-discrete residential)** had the most total variances (15) applied for. Of those, 100% were granted in 2021. All applications were for addition/alterations to existing structures.

The **R-O-2 Zone (non-discrete residential oceanfront)** was second, with 13 variances granted. A total of two (2) applications were heard in this zone or 10%. Both applications were for addition/alterations to existing structures.

Of the total applications heard by the full Board the non-conforming conditions varied with no significant pattern throughout.

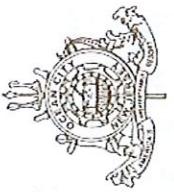
There was an increase to the number of applications submitted, 33 in 2021 compared to 26 in 2020. In March 2020 Governor Murphy issued Executive Order 107 which resulted in all public meetings to be switched to virtual/remote. The Zoning Board went back to “in-person” meetings April 2021 with no remote access.

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.

Prepared By:  Adopted: 1/19/2022
Jaime M. Felker, Certified Land Use Administrator

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.

c. Administration



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Felker, Certified Land Use Administrator

DATE: January 18, 2023

RE: **2022 Zoning Board Annual Report**

In 2022, The Zoning Board of Adjustment heard a total of 36 applications for a total of 86 new variances applied for, two (2) were approval of a subdivision, one (1) is an interpretation, one (1) was issuance of certificate of non-conforming use, one (1) was tabled to a date to still be determined, and one (1) was withdrawn for a D1 whereas the Board granted a certificate of non-conformity thus not requiring the D1, accounting for reduction of five (5) of the total variances applied for. Of the 80 variances remaining, 77 or 96% were approved. Two (2) of the denied variances were for D1 (duplex in single family and duplex on undersized lot) and the third was for an after-the-fact impervious coverage whereas the applicant “filled in” driveway strips without proper approvals.

In addition to the applications heard by the full Board, two (2) applications were submitted and reviewed by the Zoning Board Executive Committee, giving a gross total of 38 applications reviewed. Of the two reviews, all were for amendments to previously approved plan(s). Of those Executive reviews, the ZBEC recommended the administrative officer approve the minor revisions that did not result in additional variance/waiver relief.

Of the 36 applications heard by the full Board, there were 176 existing non-conformities on the site. Of the total applications heard by the Board, 30 or 83% were for additions or alterations to existing properties and 6 or 17% were for new construction.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																							
TYPE OF VARIANCE/ WAIVER	B2	BV-1-30	BV-2-40	BW-1-40	BW-1-60	C-2-40/4000	CB-1	G30/3000	G45/5000	G50/5000	HZ	NB	NEN	OCHN	ON BD	R-2-30	R-2-40	R-2-60	RNL	R-O-2-40	SPN 30	TOTAL GRANTED	
LOT WIDTH																						1	1
LOT DEPTH																						2	
LOT AREA							1					1											
LOT FRONTAGE																							
REAR YARD	1				4	1										1			1			8	
REAR YARD TO PATIO																			1			1	
ARITHMETIC MEAN REAR SETBACK																							
SIDE YARD	3	2	1		2			1		1		2	2									14	
AGGREGATE SIDE YARD	2	1			1							1	1									6	
FRONT YARD	1		1	2				1				1										6	
GUTTERS & DOWNSPOUTS																							
IMPERVIOUS COVERAGE						1	1	1	1			1		1							5		
BUILDING COVERAGE	1			2	1					1		2	3									10	
TOTAL STORIES	2				1																	3	
# OF PARKING SPACES					1	1	1	1		1		1									5		
FENCE HEIGHT																						1	1
BUILDING HEIGHT																							
ROOFTOP DECK HEIGHT																		1			1		
ROOFTOP DECK HEIGHT																							
HABITABLE STORES																1						1	
PARKING STORES	2			1	2																	5	
PARKING SETBACK																							
GARAGE SETBACK																							
PARKING IN FRONT YARD																							
PARKING SPACE SIZE	1			1														2					
DI USE	1			1				2	1									4			1		
D2 EXPANSION NON-COMFORMING USE					1																	1	
D4 FAIR																							
D5 DENSITY																							
D6 HEIGHT																							
% ATTIC PITCHED ROOF																							
ROOF DECK AREA													1									1	
INTERPRETATION																		1			1		
SUBDIVISION				1				1													2		
CERTIFICATE OF NON-COMFORMING USE													1									1	
TOTAL APPROVED	1	6	9	2	1	16	7	4	1	1	1	4	1	3	1	8	9	2	2	1	80		
TOTAL DENIED													1		1		1				3		
EXISTING NON CONFORMITIES	9	11	15	4	2	19	12	8	2	7	9	12	1	8	2	13	30	4	4	4	0	176	

Per the chart, the greatest number of variances granted in 2022 continues to be for *side yard setbacks* with a total of 14 granted. Of the side yard variances granted, all or 100% were for alteration(s) to existing structures raising more than bfe +3'. The variances granted for side yard included for encroachments to structure and decks.

The **C-2-40/4000 (discrete residential)** had the most total variances (16) applied for. Of those, 100% were granted in 2022. One (1) was for new construction and remaining two (2) applications were for addition/alterations to existing structures.

The **BV-2-40 (discrete residential)** and **R-2-40 (non-discrete residential)** were second, with 9 variances granted each. All of the applications or 100% (two (2) applications in BV and 4 four (4) in R-2-40) were for addition/alterations to existing structures.

Of the total applications heard by the full Board the non-conforming conditions varied with no significant pattern throughout. While the existing non-conforming numbers seem high, a significant amount of them were reduced with the development of the site and as conditions of approval. The total amount remaining was not calculated for this report.

There was an increase to the number of applications submitted in 2022 at 37 compared to 33 in 2021.

The Zoning Board recommends investigating the current zoning of R-2-60 for Block 714 as none of the lots are conforming for duplex use.

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.

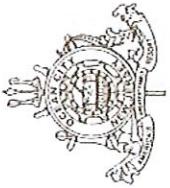
Prepared By: 
Jaime M. Felker, Certified Land Use Administrator

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.

c. Administration

Adopted: 1/18/23

PLANNING DIVISION
115 12th STREET, OCEAN CITY, NJ 08226
609-399-6111 ext. 9733 FAX: 609-399-8419



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Felker, Certified Land Use Administrator

DATE: January 17, 2024

RE: **2023 Zoning Board Annual Report**

In 2023, The Zoning Board of Adjustment heard a total of 30 applications for a total of 91 new variances applied for, one (1) was for interpretations and one (1) was an appeal of administrative officer's decision. Of the 91 variances, 88 or 97% were approved. The administrative officer's decision was upheld.

In addition to the applications heard by the full Board, six (6) applications were submitted and reviewed by the Zoning Board Executive Committee, giving a gross total of 38 applications reviewed. Of the two reviews, all were for amendments to previously approved plan(s). Of those Executive reviews, the ZBEC recommended the administrative officer approve the revision(s) that did not result in additional variance/waiver relief.

Of the 30 applications heard by the full Board, there were 137 existing non-conformities on the site. Of the total applications heard by the Board, 24 or 80% were for additions or alterations to existing properties and 6 or 20% were for new construction.

There was a decrease to the number of applications submitted in 2023 at 27 compared to 37 in 2022.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

Per the chart, the greatest number of variances granted in 2023 continues to be for *side yard setbacks* with a total of 19 granted and 1 denied. Of the side yard variances granted, 17 or 89% were for alteration(s) to existing structures raising more than bfe +3', 1 was new construction to stair and 1 was new construction to detached cabana.

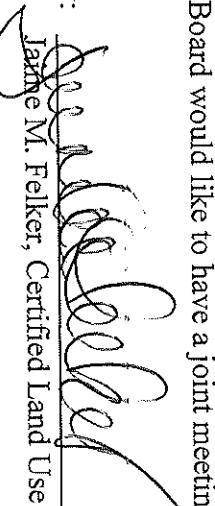
The **R-1-30 (non-discrete residential)** had the most total variances (15) applied for. Of those, 100% were granted in 2023 and were for alterations to existing structures/site.

The **BN-2-2500 (discrete residential)** was second, with 14 variances which was 1 application with existing non-conforming structure exceeding bfe+3 lift on a severely undersized corner lot with several existing non-conformities.

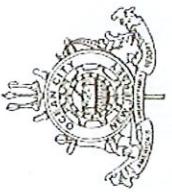
Of the total applications heard by the full Board the non-conforming conditions varied with no significant pattern throughout. While the existing non-conforming numbers seem high, a significant amount of them were reduced with the development of the site and as conditions of approval. The total amount remaining was not calculated for this report.

ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED																						
TYPE OF VARIANCE/ WAIVER	BD	BLN	BN2 /2500	BV-1-35	BW-1-60	C-2-40/4000	CB-1	G30/3000	G45/5000	G60/6000	OCHN	ON BD	R-1-30	R-2-40	RN50/5000	R-O-1-50	R-O-2-40	R-O-2-50	R-O-2-50	SPN30/1950	TOTAL GRANTED	
LOT WIDTH																						
LOT DEPTH																						
LOT AREA								1		1											2	
LOT FRONTAGE																						
REAR YARD	1	2	1		2		1	1	2	2	1	2							14			
REAR YARD TO DECK																			2			
ARITHMETIC MEAN REAR SETBACK																						
SIDE YARD	5	2		1		1	4	3		1								2		3		
AGGREGATE SIDE YARD	2						1	2										5				
FRONT YARD	2	2		1		1	4	2									1	2		15		
POOL DECK SETBACK							1														1	
IMPERVIOUS COVERAGE	1			1				1	1	1	1	1									7	
BUILDING COVERAGE	1	1					1	1	1												6	
TOTAL STORIES																						
# OF PARKING SPACES				2																	2	
FENCE HEIGHT																						
BUILDING HEIGHT																						
GUTTERS								1													1	
HABITABLE STORES																1						
PARKING SETBACK																						
GARAGE SETBACK																						
SOLID FENCE FRONT YARD								2													2	
PARKING SPACE SIZE																					3	
D1 USE				3																	3	
D2 EXPANSION USE				1			1	1													3	
D4 FAR	1						2														3	
D5 DENSITY								1														
D6 HEIGHT									1												1	
COMMERCIAL FLOOR AREA				2																	2	
DORMER SETBACK						1															1	
INTERPRETATION	1						1															
SUBDIVISION																						
APPEAL OR 1																						
ADMINISTRATIVE OFFICER																						
TOTAL NEW/ APPROVED	1	14	7		11	1	6	12	1	15	5	1	6	3	2	6			91			
TOTAL DENIED								3													3	
EXISTING NON CONFORMITIES	0	9	8		33	0	12	22	16	9	0	11	6	5	6						137	
# APPLICATION(S) HEARD	1	1	1		4	1	2	4	2	2	3	1	2	1	2	2				30		

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.

Prepared By:  Adopted: 1/17/24

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Felker, Certified Land Use Administrator

DATE: January 15, 2025

RE: **2024 Zoning Board Annual Report**

In 2024, The Zoning Board of Adjustment heard a total of 25 applications for a total of 88 new variances applied. Of the 88 variances, 85 or 96% were approved. One application continued, then withdrew. Of the denied applications, one was for D1 (parking lot use) whereas a minor by-right subdivision was granted and minor site plan was dismissed. The other was for D1 & D2 (expansion and commercial use below bulkhead) with preliminary/final site plan.

In addition to the applications heard by the full Board, two (2) applications were submitted and reviewed by the Zoning Board Executive Committee, giving a gross total of 28 applications reviewed. Of the two reviews, all were for amendments to previously approved plan(s). Of those Executive reviews, the ZBEC recommended the administrative officer approve the revision(s) that did not result in additional variance/waiver relief.

Of the 25 applications heard by the full Board, there were 131 existing non-conformities on the site. Of the total applications heard by the Board, 17 or 65% were for additions or alterations to existing properties and 9 or 35% were for new construction.

There were the same amount of applications submitted in 2024 at 27 and 27 in 2023.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

Per the chart, the greatest number of variances granted in 2024 are for *rear yard setbacks* (to building and decks) with a combined total of 17 granted. Of the rear yard variances granted, 14 or 82% were for alteration(s) to existing structures.

The **R-O-2-40 (non-discrete residential)** had the most total variances (13) applied for. Of those, 100% were granted in 2024 and were for alterations to existing structures/site.

The **R-2-40 (non-discrete residential)** was second, with 11 variances, 100% granted. Of the three (3) applications heard, two (2) were for new construction.

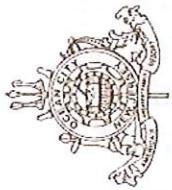
Of the total applications heard by the full Board the non-conforming conditions varied with no significant pattern throughout. While the existing non-conforming numbers seem high, a significant amount of them were reduced with the development of the site and as conditions of approval. The total amount remaining was not calculated for this report.

ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED											
TYPE OF VARIANCE/ WAIVER	BD	BLN	BV-1-30	BV-1-35	BW-1-60	C-2-40/4000	CB	DB	G30/3000	G45/5000	NB
LOT WIDTH				1							1
LOT DEPTH											1
LOT AREA											1
LOT FRONTAGE			1								1
REAR YARD	1	2	1	2			1	1	2	1	3
REAR YARD TO DECK					1					1	1
SIDE YARD	1	1	2		1			2	1	1	3
AGGREGATE SIDE YARD									1	1	1
FRONT YARD	3	1	1	2				3			2
FRONT YARD ARCHITECTURAL PROJECTION					1						1
ACCESSORY STRUCTURE SETBACK											2
IMPERVIOUS COVERAGE					1						1
BUILDING COVERAGE		1	3				1	1	1	1	9
TOTAL STORIES							1				1
# OF PARKING SPACES					1		1				1
FENCE HEIGHT					2			1			3
BUILDING HEIGHT							1				1
DRIVEWAY SETBACK											
HABITABLE STORIES											
PARKING SETBACK											
SHED SIZE	1										1
ARCHITECTURAL PROJECTION								1			1
PARKING SPACE SIZE											
D1 USE			1	1	1				2		
D2 EXPANSION NON-CONFORMING USE						1	1			1	
D4 F.A.R.						1				1	
DS DENSITY											
D6 HEIGHT		3						1		1	
EAVE WIDTH					2					2	
SIGN											
INTERPRETATION											
SUBDIVISION											
APPEAL OF ADMINISTRATIVE OFFICER											
TOTAL NEW APPROVED	4	10	9	9	0	9	1	4	1	2	11
TOTAL DENIED						1		2			3
EXISTING NON-CONFORMITIES	2	14	14	7	5	6	0	14	3	8	5
# APPLICATION(S) HEARD	1	1	3	2	1	1	1	2	1	1	3
									2		25

The Zoning Board would like to have a joint meeting with the Planning Board at least once annually.

Prepared By: Jamie M. Felker Adopted: 1/15/25
Jamie M. Felker, Certified Land Use Administrator

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Chair, Planning Board of Ocean City
City Council of the City of Ocean City

FROM: Jaime M. Felker, Certified Land Use Administrator

DATE: January 21, 2026

RE: **2025 Zoning Board Annual Report**

In 2025, The Zoning Board of Adjustment heard a total of 26 applications for a total of 66 new variances applied. Of the 66 variances, 65 or 98% were approved. The one denied application was for D1 (dog hotel/daycare facility) use.

In addition to the applications heard by the full Board, two (2) applications were submitted and reviewed by the Zoning Board Executive Committee, giving a gross total of 28 applications reviewed. Of the two reviews, all were for amendments to previously approved plan(s). Of those Executive reviews, the ZBEC recommended the administrative officer approve the revision(s) that did not result in additional variance/waiver relief.

Of the 26 applications heard by the full Board, there were 141 existing non-conformities on the site. Of the total applications heard by the Board, 13 or 50% were for additions or alterations to existing properties and 13 or 50% were for new construction.

There was a slight decrease to the number of applications submitted in 2025 at 21 (including 2 executive reviews) versus 25 in 2024.

The chart on the following page shows the breakdown of variances requested, how many were granted and how many were denied. The chart also shows the number of variances requested per Zone.

Per the chart, the greatest number of variances granted in 2025 are for *side yard setbacks* (structure/porches/aggregate) with a combined total of 18 granted. Of the total variances granted, 14 or 78% were for alteration(s) to existing structures.

The **NB (Neighborhood Business)** had the most total variances (9) applied for. Of those, 100% were granted in 2025 and 1 was for new construction and 1 for alteration to existing structures/site.

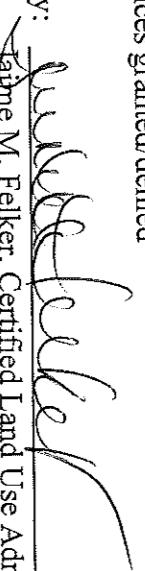
The **CB-1 (Central Business 1)** was second, with 7 variances, 100% granted. The 1 application was for amendment to a previously approved application.

Of the total applications heard by the full Board the non-conforming conditions varied with no significant pattern throughout. While the existing non-conforming numbers seem high, a significant amount of them were reduced with the development of the site and as conditions of approval. The total amount remaining was not calculated for this report.

The Zoning Board would like the Planning Board to examine Block 5105 for possible rezoning to duplex zone (currently R-1-40).

ZONE LOCATION FOR VARIANCES AND WAIVERS GRANTED													
TYPE OF VARIANCE/ WAIVER	BZ BV-1-35	C C-2-40/4000	CB-1 CB-1	DB G40/3500	G50/5000 MVH	NB NEEL	NEN OCHN	R-1-30 R-1-40	R-1-50 R-2-40	R-2-60 R-2-40	RB R-O-2-50	SPN 30/1950	TOTAL GRANTED
LOT WIDTH				1						1			1
LOT DEPTH													1
LOT AREA													
LOT FRONTAGE													
REAR YARD		1	1		1	2	1			1	1		8
REAR YARD TO PORCH											1		1
SIDE YARD	1	1	3	1	2	3	2						13
AGGREGATE SIDE YARD				1		1	1	1	1				5
FRONT YARD	1	1		1	1	2	1						7
FRONT YARD ARCHITECTURAL PROJECTION													
ACCESSORY STRUCTURE SETBACK											1		1
IMPERVIOUS COVERAGEx		1				1			1				3
BUILDING COVERAGEx		1	1		1		1	1	2				8
TOTAL STORES								1					1
# OF PARKING SPACES													
CUPOLA HEIGHT					1		1						2
BUILDING HEIGHT						1							1
DRIVEWAY SETBACK													
HABITABLE STORES							1	1					2
PARKING SETBACK													
SHED SIZE													
ARCHITECTURAL PROJECTION													
PARKING SPACE SIZE													
D1 USE		1	1	1		1				3			1
D2 EXPANSION NON-CONFORMING USE					1		1	1					3
D3 CONDITIONAL USE STANDARDS			1										1
D4 F.A.R.			1			1		1					3
D6 HEIGHT						1							1
FENCE HEIGHT						1							1
SIGN							1*						1
INTERPRETATION													
SUBDIVISION								1*					1
APPEAL OF ADMINISTRATIVE OFFICER													
TOTAL NEW/APPROVED	2	2	1	2	7	3	4	2	6	9	3	1	4
TOTAL DENIED					1								1
EXISTING NON- CONFORMITIES	5	5	1	6	13	15	10	3	11	11	9	6	0
# APPLICATION(S) HEARD	1	1	1	1	2	1	1	1	2	1	1	1	26

*No Variances granted/denied

Prepared By:  Jaime M. Felker, Certified Land Use Administrator

If you have any questions, please do not hesitate to call my office at 399-6111, extension 9733.