

Elias T. Manos, Esquire
Attorney for the City of Ocean City Zoning Board of Adjustment

PROPERTY: 800 Bridge Boulevard **BLOCK 70.68, LOT 13**

WHEREAS, the applicants have filed a complete application with the City of Ocean City Zoning Board of Adjustment (sometimes referred to as the “Zoning Board” or “Board”) seeking

reapproval of variance relief pursuant to N.J.S.A. 40:55D-70c for a rear yard setback of 3.74/8 feet where 15 feet/25.34 feet is required and building coverage of 36.7% where 35% is the permitted maximum, as well as a waiver from providing a survey that is dated within one year of the date of the application, for the premises located at Block 70.68, Lot 13, also known as 800 Bridge Boulevard, Ocean City, New Jersey 08226; and

WHEREAS, the property is located in the Gardens R-1 Neighborhood 50/5000 Zone (“G-50/5000 Zone”); and

WHEREAS, the Board has considered the plan submitted and the testimony on behalf of the applicants and it makes the following findings of fact:

The subject property is located at the corner of Bridge Boulevard and Dundee Road. The property is triangular in shape and is a particularly odd shaped lot, with existing nonconforming total lot area of 5,042.22 square feet where 6,000 square feet is required for a corner lot in the G-50/5000 Zone, lot frontage of 39.88 feet where 60 feet is required and lot depth of 80.68 feet where 100 feet is required. These nonconforming conditions, as existing conditions, do not require variance relief from the Board. There is an existing single-family dwelling on the property with a detached garage and an accessory shed. The rear yard setback to the existing single-family dwelling is nonconforming at 3.74 feet where 15 feet/25.34 feet is required, as is the rear yard setback to the fireplace bump out at three feet where 15 feet/25.34 feet is required. Those existing nonconforming conditions are also not changing and do not require variance relief from the Board. The applicants previously appeared before the Board on January 15, 2025, and obtained variance relief pursuant to N.J.S.A. 40:55D-70c for a rear yard setback of eight feet where 15 feet/25.34 feet is required and building coverage of 36.7% where 35% is the permitted maximum in order to construct a two-story addition on the west side of the property consisting of a garage at the first

floor and living space on the second floor for two additional bedrooms and two additional bathrooms. The applicants' project at that time also included constructing an outdoor shower and concrete paver patio, adding a third parking space where two currently exist and removing the existing detached garage and shed. The applicants' approval is memorialized in a written Resolution adopted by the Board on February 19, 2025. As previously approved, the single family dwelling on the property would either meet or exceed many of the bulk requirements of the G-50/5000 Zone and the other applicable requirements of the Ocean City Zoning and Land Development Ordinance (the "Zoning Ordinance"), including a front yard setback to the single family dwelling of 22.37 feet where 12 feet is required, a side yard setback on the east side of the property to the single family dwelling of 19.03 feet where eight feet is required, a side yard setback on the east side of the property to the porch of 11.04 feet where eight feet is required, a side yard setback on the west side of the property to the single family dwelling of eight feet where eight feet is required, total side yard setbacks of 19.04 feet where 19 feet is required, and building height of 11.94 feet where 30 feet is the permitted maximum. As previously approved, the impervious coverage of the property, at 56%, would also be below the permitted maximum of 60%. None of the aforementioned improvements previously proposed by the applicants and approved by the Board have been constructed and the approval has since expired.

The applicants are now seeking reapproval of the same rear yard setback and building coverage variances that were granted by the Board on January 15, 2025 in order to construct the identical project that was previously proposed. The applicants are also seeking a waiver from providing a survey that is not dated within one year from the date of the application. Thus, the relief sought by the applicants is again for variance relief pursuant to N.J.S.A. 40:55D-70c for a rear yard setback of eight feet where 15 feet/25.34 feet is required and building coverage of 36.7%

where 35% is the permitted maximum, as well as the aforementioned waiver.

The applicants provided testimony that the current proposal is identical to that previously approved by the Board following its hearing held on January 15, 2025 and memorialized in a Resolution adopted on February 19, 2025. The testimony on behalf of the applicants indicated that the rear yard of the property functions more as a side yard, which requires only an eight foot setback, and that the building coverage deviation of only 1.7% is *de minimis*. The applicants' testimony indicated that the unique, triangular shape of the property presented a hardship in complying with the rear yard setback requirement. The applicants' testimony further opined that the project, with the rear yard setback and building coverage deviations, advances several purposes of zoning set forth in the New Jersey Municipal Land Use Act, including advancing the general welfare as project meets and in many cases exceeds many of the bulk requirements of the G-50/5000 Zone and the other applicable requirements of the Zoning Ordinance, as well as provides for a third parking space on the property. The testimony also advanced that purpose of zoning of providing for light, air and open space as a result of removing the existing detached garage and shed, and the single-family dwelling being well below the permitted building height. The applicant's testimony additionally opined that granting the variances would not result in a substantial detriment to the public good or substantially impair the Zoning Ordinance or Zone Plan of the City of Ocean City as the rear yard setback to the proposed addition of eight feet is greater than the existing rear yard setback to single family dwelling and the building coverage deviation of 1.7% is *de minimis*.

Public Comment: None

Exhibits: None.

The Board having considered the testimony and evidence presented made the following

findings of fact and conclusions of law.

The applicants previously obtained variance relief from the Board pursuant to N.J.S.A. 40:55D-70c for a rear yard setback of 3.74/8t feet where 15 feet/ 25.34 feet is required and building coverage 36.7% where 35% is the permitted maximum for a project that is identical to that now again being proposed by the applicants. Since the prior approval has expired, the same variance relief (i.e. for a rear yard setback of eight feet where 15 feet/ 25.34 feet is required and building coverage 36.7% where 35% is the permitted maximum) is required by the applicants, as is a waiver from the requirement that the survey submitted be dated no later than one year from the date of the application. The applicants have demonstrated a hardship pursuant to N.J.S.A. 40:55D-70c(1) to support the grant of the rear yard setback variance. In that regard, the property is an odd shaped triangular lot that makes it impracticable for the applicants to comply with the rear yard setback variance. A hardship also justifies the building coverage deviation given that the lot is undersized. Thus, the undersized nature of the property, as well as its unique triangular shape, present a hardship to the applicants to support the variances. Pursuant to N.J.S.A. 40:55D-70c(2), the proposal by the applicants additionally advances several purposes of zoning set forth in the New Jersey Municipal Land Use Act. In that regard, the applicants' proposal advances the general welfare as project meets and in many cases exceeds many of the bulk requirements of the G-50/5000 Zone and other applicable requirements of the Zoning Ordinance, as well as provides for a third parking space on the property. The applicants' proposal moreover provides for light, air and open space as a result of removing the existing detached garage and shed, and the single-family dwelling being well below the permitted building height. Granting the variances for the proposed will not have a substantial negative impact on the public good and will not substantially impair the intent and purpose of the Zone Plan or Zoning Ordinance as the rear yard setback to the

proposed addition is greater than the existing rear yard setback to the single family dwelling on the property and the building coverage deviation of 1.7% is *de minimis*. In addition, this application simply seeks reapproval of variances that were previously granted to the applicants for a project identical to that now proposed, as well as a waiver from the date of the survey.

For these reasons, the applicants have established a hardship pursuant to N.J.S.A. 40:55D-70c(1) of the New Jersey Municipal Land Use Act to support the variances requested. The applicants have additionally established the necessary criteria pursuant to N.J.S.A. 40:55D-70c(2) of the New Jersey Municipal Land Use Act to support the variances.

The Board determined that the variances could be granted without substantial detriment to the Zone Plan or Zoning Ordinance of the City of Ocean City.

The purpose of the Municipal Land Use Act would be advanced by the deviations which would substantially outweigh any detriments. The granting of the variances to allow the departures would not substantially impair the Zone Plan or Zoning Ordinance of the City of Ocean City. The waiver request is also reasonable, appropriate and justified as an updated survey is not required for the Board to make an informed decision on this application.

Prior to issuance of a certificate of occupancy all escrow monies must be paid to the City of Ocean City in full.

NOW, THEREFORE, BE IT RESOLVED by the City of Ocean City Zoning Board of Adjustment at its meeting on August 19, 2026, that the variances requested for a rear yard setback of 3.74/8 feet where 15 feet/25.34 feet is required and building coverage of 36.7% where 35% is the permitted maximum, as well as a waiver from providing a survey dated within one year from the date of the application, are hereby granted. Mr. DeMarco made the motion to grant the variances and the waiver, Mr. Becker seconded the motion. Members Mr. Logue, Mr. DeMarco,

Mr. Becker, Mrs. Schnieder, Mr. Gallagher and Mr. Price voted in favor. Zero members were opposed. Motion passed 6-0.

The granting of the variances and waiver is conditioned upon the applicants providing on the subject property ground level plant material of either grass or some other permanent green vegetative cover.

Further conditioned that the reference on the plan to a “New 6’ High Vinyl Fence” be removed from the plan.

Further conditioned on there being no crushed stone or like material in any area that is not in compliance with the City of Ocean City design standards.

Further conditioned that there be no substantial deviation in the design, construction material or building elevations from that which was presented to the Zoning Board.

Further conditioned that no subsequent additions, alterations or changes can be made without further review by the Ocean City Zoning Board.

Further conditioned that any plan revisions as required from the approval must be completed.

Further conditioned that the storage areas do not exceed the minimum IBC requirements as to lighting and electrical outlets; that the storage area not contain egress windows and that there be no phone jacks or cable outlets permitted.

Further conditioned that the applicants comply with Section 25-1700.3.1 and Section 25-1700.3.2 of the City of Ocean City Ordinance and/or as conditioned by the Board Engineer.

Further conditioned that the applicants provide copies of all approvals from any agency having jurisdiction over this application.

Further conditioned that the applicants provide seventy-two hour notice to the Board

Secretary for all required inspections.

Further conditioned that all fees and real estate taxes associated with the application to the Zoning Board shall be paid current prior to building permits being issued.

Further conditioned upon any conditions in the Engineering and Planning review memorandum by Joseph Maffei, PE, PP, CME, of the firm of EDA, dated June 30, 2026 being complied with but not further contained herein.

Further conditioned upon agreement by the applicants to specific items not contained within this Resolution, but which were otherwise set forth in the record of the hearing before the City of Ocean City Zoning Board of Adjustment, which are incorporated herein by reference though not set forth at length herein.

Further conditioned upon the applicants paying all fees pursuant to Section 25-1900 Affordable Housing Development Fees (COAH), if applicable.

The applicants shall comply with all provisions of the Zoning Ordinance and any and all municipal, County, State and/or Federal laws or regulations relating or applicable to the proposed project.

Any variance granted by the City of Ocean City Zoning Board of Adjustment shall expire one (1) year subsequent to the grant of said variance unless within that period of time the applicants has received a building permit from the Construction Official. In the event a building permit is obtained it shall be acted upon in conformity with the Uniform Construction Code.

ZONING BOARD OF ADJUSTMENT
CITY OF OCEAN CITY

Dated: 9/23/26

/s/ _____
RYAN PRICE, Chairperson

The foregoing is a true copy of the Resolution adopted by the City of Ocean City Zoning Board of Adjustment at its meeting on the 23rd day of September 2026 as held at said meeting.

Dated: 9/23/26

Jaime M. Felker, Secretary
Ocean City Zoning Board of Adjustment

A copy of this Resolution has been filed in the office of the City of Ocean City Zoning Board of Adjustment and is available for inspection during regular business hours.