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**CITY OF OCEAN CITY
ZONING BOARD OF ADJUSTMENT
RESOLUTION ZBA-25-011**

APPLICATION OF: **Louis Calzi & Virginia Poliwoda**

PROPERTY: 505 Gull Road, Ocean City, NJ 08226 BLOCK 70.29, LOT 4

WHEREAS, Louis Calzi & Virginia Poliwoda is/are the owner(s) of Block 70.29, Lot 4 as the same is designated on the Tax Map of the City of Ocean City; and

WHEREAS, the applicant was represented by Jon Batastini, Esquire; and

WHEREAS, a Variance Plan was submitted from Thomas Bechtold Architecture & Engineering, signed by Andrew Bechtold, License No. 17642, dated July 8, 2025, and last revised September 11, 2025, and who testified on behalf of the applicant; and

WHEREAS, a Survey of Premises was submitted by Design Land Surveying, PA., signed by Thomas N Tolbert, License No. 38608, dated February 18, 2025 and last revised August 29, 2025; and

WHEREAS, the applicant has filed a complete application with the Zoning Board seeking variance, **505 Gull Road, Ocean City, NJ 08226, aka 505 Gull Haven Drive;** and

WHEREAS, the property is located in the G50 Zone; and

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

The applicant proposes to demolish the existing single-family structure and construct a new single-family structure at 505 Gull Rd. The property fronts on named right-of-way known as Gull Haven Drive. Right-of-way width varies from 18 feet to 30 feet. The applicant actually owns that right-of-way and there are no easements on it. The applicant is seeking to variances. There is a front yard setback variance as the applicant is seeking a setback to the curb line of 7.83 feet where 10 feet is required. The property line extends out way past that but the ordinance calls for the setback to be measured from the curb line rather than the property line. This is a particularly unusual situation as the applicant owns the right-of-way without easement but that property cannot be used in measuring the front yard setback. The applicant is also requesting a rear yard setback variance which will be 4.6 feet and 17.58 feet. The existing building has a 4.6-foot setback as well as a 16-foot setback so the applicant will actually be improving on the rear yard setback. The requirement is 11.82 feet and 22.08 feet from the building. Though setback distances are a result of the unusual configuration/shape of the lot, the applicant opined that the variance be granted under the c(2) criteria in that the benefits substantially outweigh any detriment. The applicant will be improving the setback to the steps in the front yard, the east side yard setback, and the impervious coverage which currently is nonconforming. For those reasons the applicant indicated that the benefits substantially outweighed any detriment. The applicant also indicated that the variance could be granted under the C-1 criteria in that this property is unusual in that a portion of the property in the front cannot be used to calculate the front yard setback and the rear has an unusual shape. The applicant also opined that the building would clearly fit into the neighborhood scheme as the setbacks are consistent with the neighborhood; therefore, there is no substantial detriment. The applicant is also seeking a waiver for the sidewalk and the Board engineer indicated

that same is acceptable since any sidewalk there may be a safety concern in light of the fact that there are no sidewalks on the neighborhood properties. The applicant also provided testimony that they would like to amend the plans to call for a casement window at and the right side instead of the double hung windows

Public Comment: none

Exhibits: A-1 survey

The Board having considered the testimony and evidence presented made the following findings of fact and conclusions of law. The applicant is seeking a variance for the front yard setback to the curb line as well as a variance for the rear yard setback to the building. The rear yard setback will either be consistent to what is currently existing or slightly improved. The board found that as result of the unusual shape of the lot the rear yard setback variance can be granted under the C-1 criteria. The front yard setback is not measured to the property line and if measured to the property line there would be a substantial front yard setback. But this is an unusual situation and the setback is measured to the curb line and therefore needs a variance. The board found that this met the unusual circumstances under the C1 criteria as well. The board also found that the request meets the C2 criteria in that the applicant will be improving on the rear yard setback, east side yard setback, and the impervious coverage. The waiver for sidewalk the board also deemed appropriate light of the Board engineer's report.

The Board found that the variances requested were de-minimis in nature.

The Board determined that the variances could be granted without substantial detriment to the Master 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 Zoning Ordinance or Master Plan of the City of Ocean City. In light of the fact that this building will be replacing an older structure and would have similar setbacks and be consistent with the neighborhood scheme.

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 Ocean City Zoning Board of Adjustment at its meeting on November 19, 2025, that the variances requested are hereby granted. Mr. Buck made the motion to grant the variances; Mr. Waddell seconded the motion; members Mr. Buck, Mr. Waddell, Mr. Price, Mr. Geary, Mr. Logue, Mr. DeMarco, Ms. Schneider voted in favor, no members were opposed. Motion passed 7-0.

The granting of the variances is conditioned upon the applicant providing on the subject property a contribution in lieu of one street tree and ground level plant material of either grass or some other permanent green vegetative cover.

Further conditioned on there being no crushed stone or like material in any area with the exception of parking areas in compliance with the 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 an egress window, but a

casement window is permissible, and that there be no phone jacks or cable outlets permitted.

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

Further conditioned that the applicant provides seventy-two-hour notice to the Board Engineer for all inspections, notices, and for concrete.

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

Further conditioned upon any conditions in the Engineering and Planning report by Joseph Maffei, PE, PP, CME, of the firm of EDA, dated September 30, 2025, being complied with but not further contained herein.

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

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

Further conditioned upon the applicant posting inspection escrow for the inspection of the previous pavers in the retaining wall. Further condition upon the applicant providing revised plans showing the casement windows at the Gable and right side instead of the double hung.

Further conditioned that the applicant complies with Section 25-1700.3.1 and Section 25-1700.3.2 of the City Ordinance requiring that all public improvements be inspected and approved by the City Engineer with seventy-two-hour notification of pending improvements being required.

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

Any variance granted by the Zoning Board of Adjustment shall expire one (1) year subsequent to the grant of said variance unless within that period of time the applicant 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.

Dated: 1/21/26

ZONING BOARD OF ADJUSTMENT
CITY OF OCEAN CITY

/s/
MICHAEL BUCK, Chairperson

The foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment of the City of Ocean City at its meeting on the 21st day of January 2026 as held at said meeting.

Dated: 1/21/26

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

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