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**CITY OF OCEAN CITY
ZONING BOARD OF ADJUSTMENT
RESOLUTION ZBA-25-015**

APPLICATION OF: Stephen and Lisa Kettleberger

PROPERTY: 4721 Central Avenue, Ocean City, NJ 08226 BLOCK 4701.03, LOT 2

WHEREAS, Stephen and Lisa Kettleberger is/are the owner(s) of Block 4701.03, Lot 2 as the same is designated on the Tax Map of the City of Ocean City; and

WHEREAS, the applicant was represented by Avery Teitler, Esquire; and

WHEREAS, a Variance Plan was submitted from Christina Amey Architect LLC, signed by Christina Amey, License No. 017898, dated September 17, 2025, as well as The Hyland Group, signed by Thomas A Prendergast, P.L.S., NJ License No. 37604, dated September 17, 2025, and who testified on behalf of the applicant; and

WHEREAS, a Survey of Premises was submitted by The Hyland Group and signed by Thomas A Prendergast, P.L.S., NJ License No. 37604, dated September 17, 2025; and

WHEREAS, the applicant has filed a complete application with the Zoning Board seeking variance for **4721 Central Avenue, Ocean City, NJ 08226**; and

WHEREAS, the property is located in both the Neel R-1 & R-O-1-50 Zones; 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 remove the existing single-family dwelling and construct a new single-family dwelling at the premises known as 4721 Central Ave. The property is located in both the R – 1 – O – 50 zone and the Neel R – 1 zoning districts. As a result of the Property being in both districts the ordinance requires him to meet the more stringent conditions which would be the Neel tract zone. The applicant designed the home believing it was in the R-1-O- 50 zone and in point of fact two thirds of the lot is in that zone. The building designs would meet all of the criteria of the R-1-O-50 zone. As a result of it being partially in the Neel tract zone, the property needs a variance for the maximum buildable height which they're proposing 33 feet which does not conform to the Neel tract zone but does in fact conform to the predominant lot zone. The Applicant also requires variance relief for maximum cupola height. As to the floor area ratio, the applicant requires a variance for same as it will be 89.8%, which does not conform to the Neel R-1 standards. It does conform to the R 1- O-50 zone. The applicant provided testimony that all of the lots fronting the ocean are totally within the residential oceanfront zone other than the three on this block. Both lots to the North and South are split zoned. The house as designed will conform better to the neighborhood scheme as it will be consistent with those built in the residential oceanfront zone. For that reason, the applicant opined under the C-1 criteria the variance could be granted. The applicant also provided testimony that the side yard to the north will be greater than what is currently existing the side yard to the south likewise will be greater, the total side yard setback will be greater, in the rear yard setback will be greater than the existing structure. Therefore, the variance could be granted under the C2 criteria as well

Public Comment: none

Exhibits: A-1 Neel tract zone

A-2 blowup of the zoning map

A-3 aerial picture

A-4 zoning box

The Board having considered the testimony and evidence presented made the following findings of fact and conclusions of law. The applicant is seeking variance relief from the maximum height limitation of the structure and proposed cupola as well as the maximum floor area ratio. The house as designed would completely fit the zoning requirements of the residential single-family oceanfront – 50 zone. The predominant zoning for this lot is that zone. A lesser portion of the lot is located in the Neel zone. The applicant will be improving on setbacks compared to the existing structure. For those reasons the board found that the C-1 criteria as the basis for granting the variance in light of the split zone configuration of this lot and to the C2 criteria in light of the fact that the new structure will be improving on a number of setbacks.

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. In light of the fact that the house is designed with a better fit into the neighborhood scheme.

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.

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 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 the applicant will provide cost estimates for the on-site improvements in the event the Board Engineer deems same appropriate as well as providing adequate performance guarantees.

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 does not contain egress windows and that there be no phone jacks or cable outlets permitted.

Further conditioned that all curbs and sidewalks be replaced only, if necessary, after review by the Board Engineer.

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 October 31, 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 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.

