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**CITY OF OCEAN CITY
ZONING BOARD OF ADJUSTMENT
RESOLUTION ZBA-25-017**

APPLICATION OF: Michael & Kathy Caruso

PROPERTY: 3212-14 Haven Avenue BLOCK 3205, LOT 14, C1 and C2

WHEREAS, Michael and Kathy Caruso (“applicants”) are the owners of Block 3205, Lot 14, C1 and C2, as the same is designated on the Tax Map of the City of Ocean City; and

WHEREAS, the applicants were not represented by legal counsel; and

WHEREAS, a Variance Plan was submitted from Edwin N. Howell, RA, PP, signed by Edwin N. Howell, RA, PP, NJ Architect License No. 7703, NJ Planner License No. 2622, Project No. 22185, dated September 24, 2025 and revised through October 30, 2025, and who testified on behalf of the applicants along with applicant Michael Caruso; and

WHEREAS, a Survey of Premises was submitted from Paul Koelling & Associates, LLC, signed by Paul M. Koelling, PLS, NJ License No. 24GS04328800, dated September 30, 2025; and

WHEREAS, the applicants have filed a complete application with the Zoning Board seeking variance approval pursuant to N.J.S.A. 40:55D-70c for the premises located at Block 3205, Lot 14, C1 and C2, also known as 3212-14 Haven Avenue, Ocean City, New Jersey; and

WHEREAS, the property is located in the R-2-40 Zone; and

WHEREAS, the Board has considered the plan submitted and the testimony of and on

behalf of the applicants and it makes the following findings of fact:

The applicants are the owners of the existing two-family dwelling at the subject property. The existing two-family dwelling is two stories and has first and second floor porches. The second floor porch does not contain a roof. The front yard setback to the porches is 5.9 feet where 10 feet is required. The side yard setbacks to the porches are 5.1 feet on the North (or right) side and 4.7 feet on the South (or left) side, where five feet is required on each side and an aggregate of 11 feet is required. Thus, the front yard setback to the porches, the side yard setback to the porches on the South side and the aggregate side yard setbacks to the porches are existing nonconforming conditions.

The applicants propose to construct a roof over the existing second floor porch. The project also includes constructing new railings for the first and second floor porches, as well as new support columns for the porches and the new roof to be constructed. The applicants require variances pursuant to N.J.S.A. 40:55D-70c for vertically expanding the existing nonconforming conditions noted above, those being the front yard setback to the porches (5.9 feet where 10 feet is required), the side yard setback to the porches on the South side (4.7 feet where five feet is required) and the aggregate side yard setbacks to the porches (9.8 feet where 11 feet is required).

The applicants provided testimony that the new roof, railing and columns would improve the aesthetics of the property. The testimony provided by the applicants also indicated that there was no viable way of increasing the front yard setbacks or side yard setbacks from their existing conditions. The applicants' testimony further indicated that constructing a roof over the second floor porch is consistent with the neighborhood. The applicants moreover indicated through the testimony provided that there is significant separation between their two-family dwelling and the dwellings to the North and to the South of the subject property.

Public Comment:

No members of the public testified regarding this application

Exhibits: None

The Board having considered the testimony and evidence presented made the following findings of fact and conclusions of law.

The applicants propose to construct a roof over the existing second floor porch, as well as provide for new railings for the first and second floor porches, and support columns for the porches and the new roof to be constructed. The proposal by the applicants would be consistent with the neighborhood in that several other properties have second floor porches with roofs over them. The proposal would also be an improvement to the aesthetics of the front of the two-family dwelling on the property and the streetscape.

The applicants are further only vertically extending existing nonconforming conditions to construct a roof over the second floor porch to the two-family dwelling. There remains sufficient separation between the applicants' two-family dwelling and the dwellings on each side of it.

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

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.

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 March 18, 2026, that the variances requested for front yard setback to the porches (5.9 feet where 10 feet is required), the side yard setback to the porches on the South side (4.7 feet where five feet is required) and the aggregate side yard setbacks to the porches (9.8 feet where 11 feet is required) are hereby granted. Mr. DeMarco made the motion to grant the variances, Mr. Waddell seconded the motion. Members Mr. Waddell, Mr. Price, Mr. Geary, Mr. Logue, Mr. DeMarco, Ms. Schneider, and Mr. Gallagher voted in favor \ zero members were opposed. Motion passed 7-0.

The granting of the variances 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 on there being no crushed stone or like material in any area that is not 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 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 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 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 November 6, 2025 being complied with but not further contained herein.

Further conditioned upon the applicants obtaining an encroachment license for the retaining wall within the Haven Avenue Right-of-Way.

Further conditioned upon the applicants verifying for accuracy the existing and proposed building coverage on the zoning chart to the plan.

Further conditioned upon agreement by the applicants 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 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 Ocean City Zoning and Land Development 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 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.

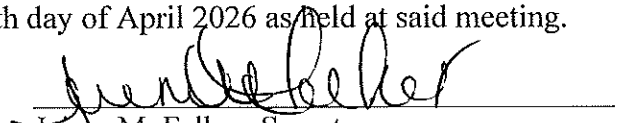
Dated: 4/15/26

ZONING BOARD OF ADJUSTMENT
CITY OF OCEAN CITY


RICHARD WADDELL, Vice 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 15th day of April 2026 as held at said meeting.

Dated: 4/15/26


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.