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**CITY OF OCEAN CITY
ZONING BOARD OF ADJUSTMENT
RESOLUTION ZBA-25-019**

APPLICATION OF: **Ocean City Development Group, LLC**

PROPERTY: 2316-18 Simpson Avenue BLOCK 2306, LOT 17

WHEREAS, Ocean City Development Group, LLC (“applicant”) is the owner of Block 2306, Lot 17 as the same is designated on the Tax Map of the City of Ocean City; and

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

WHEREAS, a Variance Plan was submitted from Halliday Architects, signed by Christopher Halliday, RA, NJ Architect License No. 21A101936000, Project No. 25062, dated December 2, 2025, and who testified on behalf of the applicant; and

WHEREAS, a Survey of Premises was submitted from Design Land Surveying P.A., signed by Thomas N. Tolbert, PLS, NJ License No. GS 38608, Survey No. 2508012, dated December 10, 2025; and

WHEREAS, the applicant has filed a complete application with the Zoning Board seeking variance relief pursuant to N.J.S.A. 40:55D-70c for the premises located at Block 2306, Lot 17, also known as 2316-18 Simpson Avenue, Ocean City, New Jersey 08226; and

WHEREAS, the property is located in the BW-1-40 Zone; and

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

the applicant and it makes the following findings of fact:

The subject property is currently vacant land on Simpson Avenue with alley access at the rear. It is 4,600 square feet in total area and 40 feet wide. The applicant proposes to construct a new single family dwelling with a swimming pool on the property. The new single family dwelling will be two stories over two parking spaces, with a third driveway parking space via the alley to the rear of the property. The proposed single family dwelling exceeds the minimum required front yard setback, side yard setbacks and rear yard setback, and is below the maximum permitted building coverage and impervious coverage. The first floor elevation of the proposed single family dwelling is 16.12 feet.

The Zoning Ordinance of the City of Ocean City requires that the elevation of the first one-third of the first floor of single family dwellings that have alley access in the BW-1-40 Zone be no greater than an elevation of 11 feet (Base Flood Elevation plus two feet). Since the entire proposed first floor of the single family dwelling is at 16.12 feet, variance relief pursuant to N.J.S.A. 40:55D-70c is required by the applicant.

The applicant provided testimony that the BW-1-40 Zone is the only zoning district in the City that requires this lower elevation for the first one-third of the first floor and that this provision in the Zoning Ordinance dates back to 2001. The testimony provided was that complying with the Zoning Ordinance would create a sunken portion of the single family dwelling and would present a mobility issue. The testimony on behalf of the applicant indicated that having a consistent first floor elevation would provide for a better safety element and make the single family dwelling more accessible. The testimony also indicated that a consistent first floor elevation of the single family dwelling would not be noticeable from the street. The testimony on behalf of the applicant further indicated that the single family dwelling proposed is not being maxed out in that it is only two

stories and meets or exceeds all other bulk requirements of the BW-1-40 Zone.

Public Comment: Gina Gallaher (2321 Bay Avenue)

Exhibits: None

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

The applicant proposes to construct a new single family dwelling on the property with the entirety of the first floor elevation at 16.12 feet. The proposal by the applicant would be consistent with the neighborhood and would also be an improvement to the aesthetics of the property, which is currently vacant land. Allowing for a consistent first floor elevation would create a safer and more accessible first floor to the single family dwelling and would not be noticeable from the street. The Zoning Ordinance provision requiring the first one-third of the first floor to be at a lower elevation was enacted prior to Superstorm Sandy and is applicable only in the BW-1-40 Zone. The applicant has also not maxed out the size of the single family dwelling in that it is only two stories and meets or exceeds all other bulk requirements of the BW-1-40 Zone.

For these reasons, the applicant has 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 variance.

The Board determined that the variance 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 variance to allow the departure 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 variance requested to allow the entirety of the first floor of the proposed single family dwelling to be at an elevation of 16.12 feet is hereby granted. Mr. DeMarco made the motion to grant the variances, Mr. Logue 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 variance 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 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 the applicant will provide cost estimates for 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 not contain egress windows and that there be no phone jacks or cable outlets permitted.

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

Further conditioned that the applicant 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 January 14, 2026 and revised January 15, 2026 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.

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 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: 4/15/26

ZONING BOARD OF ADJUSTMENT
CITY OF OCEAN CITY

/s/
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.