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**CITY OF OCEAN CITY
ZONING BOARD OF ADJUSTMENT
RESOLUTION ZBA-26-002**

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

PROPERTY: 2904-06 Wesley Avenue BLOCK 2901, LOT 18

WHEREAS, Ocean Front Development Group, LLC (“applicant”) is the owner of Block 2901, Lot 18 (and Block 611.11, Lot 32) 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 Thomas/Bechtold Architecture and Engineering, signed by Andrew Bechtold, RA, PP, NJ Architect License No. 21AI01764200, NJ Planners License No. 33LI00653500, File No. 9325, dated January 19, 2026 (1 sheet), and who testified on behalf of the applicant; and

WHEREAS, a Mid-Term Survey was submitted from Paul Koelling & Associates, LLC, signed by Paul M. Koelling, PLS, NJ License No. 24GS04328800, dated December 4, 2025 and revised December 9, 2025; and

WHEREAS, the applicant has filed a complete application with the City of Ocean City Zoning Board of Adjustment (sometimes referred to as the “Zoning Board” or “Board”) seeking variance relief pursuant to N.J.S.A. 40:55D-70c for the premises located at Block 2901, Lot 18,

also known as 2904-06 Wesley Avenue, Ocean City, New Jersey 08226; and

WHEREAS, the property is located in the R-O-2-50 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 50 foot wide by 120 feet deep. The applicant also owns the property to the rear of the subject property identified as Lot 32 in Block 611.11 (“Lot 32”). Lot 32 is 50 feet wide by 40 feet deep and is located in the Beach and Dune Zone. There is a two-family dwelling being constructed on the property that meets all requirements of the R-O-2-50 Zone pursuant to the City of Ocean City Zoning and Land Development Code (“Zoning Ordinance”). The applicant proposes to construct two new swimming pools at the rear of the property (i.e. one swimming pool for each proposed dwelling unit). Each swimming pool is proposed to be 10 feet by 16 feet in area and each has a proposed rear yard setback of two feet. A fence will surround the perimeter of the rear yard and includes Lot 32, with a fence also separating the two pools. The Zoning Ordinance requires the wall of any swimming pool to be no less than six feet from any property line. Thus, the applicant requires variance relief pursuant to N.J.S.A. 40:55D-70c as the rear yard setback to the swimming pool is two feet.

The applicant provided testimony that it owns Lot 32, which as noted is 40 feet deep. The applicant’s testimony indicated that although the proposed swimming pools have a two foot rear yard setback to the subject property line and thus require variance relief from this condition, there will be 42 feet of open space beyond the wall of the swimming pool to the rear of Lot 32. The testimony provided indicated that the other properties on the street have similar abutting rear properties with fences at the rear of those properties. The testimony on behalf of the applicant opined that given the applicant’s ownership of Lot 32 it is the better design alternative to pull the

swimming pools away from the two-family dwelling and closer to the rear yard setback. The testimony also indicated that the swimming pools, at 10 feet by 16 feet, were modest in size, would not be highly visible and the location of the swimming pools satisfied the spirit and intent of the Zoning Ordinance.

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 applicant proposes to construct two new swimming pools at the rear of the property, one for each dwelling unit for a two-family dwelling under construction and each with a two foot rear yard setback where six feet is required. The proposal by the applicant would advance the general welfare as constructing the swimming pools at their proposed location is the better design alternative given that the applicant owns abutting Lot 32, which is 40 feet deep and would thus provide for 42 feet between the wall of the swimming pools to the rear of Lot 32. The proposal by the applicant is consistent with the neighborhood in that the other properties on the block also have abutting fenced rear lots similar to that of the applicant. The swimming pools proposed by the applicant will not have any substantial impact on the public good given their low visibility and the applicant's ownership of Lot 32. In addition, the location of the proposed swimming pools meets the spirit and intent of the Zoning Ordinance as the swimming pools are pulled away from the two-family dwelling and 42 feet is provided between the wall of the swimming pools and the rear property line of Lot 32.

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 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 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 City of Ocean City Zoning Board of Adjustment at its meeting on April 15, 2026, that the variances requested to allow the two swimming pools to have a rear yard setback of two feet where six feet is required are hereby granted. Mr. Buck made the motion to grant the variances, Mr. DeMarco seconded the motion. Members Mr. Price, Mr. Logue, Mr. DeMarco, Mrs. Schneider, Mr. Becker and Mr. Gallagher voted in favor \ Mr. Buck was opposed. Motion passed 6-1.

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 that no development shall be permitted to occur or shall occur on Lot 32 to the rear of the subject property.

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 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 of Ocean 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 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 February 25, 2026 being complied with but not further contained herein.

Further conditioned upon agreement by the applicant to specific items not contained within this Resolution, but which were otherwise set forth in the record of the hearing before the Zoning

Board, 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 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 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: 5/20/26

ZONING BOARD OF ADJUSTMENT
CITY OF OCEAN CITY

/s/ _____
MICHAEL BUCK, Chairperson

The foregoing is a true copy of the Resolution adopted by the City of Ocean City Zoning Board of Adjustment at its meeting on the 20th day of May 2026 as held at said meeting.

Dated: 5/20/26

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.