

variance relief pursuant to N.J.S.A. 40:55D-70c for the premises located at Block 70.31, Lot 1, also known as 621 Battersea Road, Ocean City, New Jersey 08226; and

WHEREAS, the property is located in the Gardens R-1 Neighborhood 60/6000 Zone (“G-60/6000 Zone”); and

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

The subject property is a corner lot at the corner of Battersea Road and Pinnacle Road. Pursuant to the Ocean City Zoning and Land Development Ordinance (the “Zoning Ordinance”), Pinnacle Road is considered the front yard and the rear yard is opposite Pinnacle Road. The subject property is 4,979 square feet in total lot area, with an average lot width of 69.3 feet and an average lot depth of 72.8 feet. The minimum required lot area for corner lots such as the subject property in the G-60/6000 Zone is 7,000 square feet, while the minimum required lot width is 70 feet and the minimum required lot depth is 100 feet. Thus, the property is undersized but is considered a buildable lot pursuant to §25-105.3e of the Zoning Ordinance and does not require variance relief for the deficient lot area, lot width or lot depth. There is an existing two-story single family dwelling on the property.

The applicants are seeking to construct a covered porch at the first level of the single family dwelling facing Battersea Road. The proposed porch will have a rear yard setback of 12.7 feet where 18.2 feet is required and will increase building coverage to 36.5% where 35% is the permitted maximum. As a result, variance relief pursuant to N.J.S.A. 40:55D-70c is required by the applicants for these deviations. These are the only two variances required by the applicants.

The applicants provided testimony that since the property is undersized as detailed above, a hardship exists to justify the rear yard setback deviation to the porch and the excess building

coverage. The testimony on behalf of the applicants also opined that the proposal for the porch will advance that purpose of zoning set forth in the New Jersey Municipal Land Use Law of providing an aesthetic enhancement to the existing single family dwelling as the proposed porch is symmetrically designed and will be a better design alternative than complying with the rear yard setback and building coverage requirements. The applicants' testimony further opined that granting the variances would not result in a substantial detriment to the public good or substantially impair the Zoning Ordinance or Zone Plan of the City of Ocean City as the proposed porch will not block views, the rear yard functions more as a side yard and the building coverage deviation of 1.5% is minimal.

Public Comment: Ray Patella (607 Battersea Road) spoke in favor of the 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 new covered porch to the existing single family dwelling on the property and require variance relief pursuant to N.J.S.A. 40:55D-70c for a rear yard setback to the proposed porch (12.7 feet where 18.2 feet is required) and building coverage (36.5% where 35% is the permitted maximum). The applicants have demonstrated a hardship pursuant to N.J.S.A. 40:55D-70c(1) to support the grant of the variances. In that regard, the property is undersized at 4,979 square feet in total lot area, average lot width of 69.3 feet and average lot depth of 72.8 feet. The applicants are constrained in that Pinnacle Road is considered a front yard. The undersized nature of the property and the Zoning Ordinance defining Pinnacle Road as the front yard to the property presents a hardship as it is impracticable for the applicants to comply with the minimum required rear yard setback to the proposed porch of 18.2 feet and the

maximum permitted building coverage of 35%. Pursuant to N.J.S.A. 40:55D-70c(2), the proposed porch by the applicants is designed in such a fashion as to provide symmetry at the single family dwelling along Battersea Road and provides a better design alternative than a porch that complies with the rear yard setback requirement. The proposed porch will thus provide improved aesthetics to the existing single family, the property and the neighborhood. Granting the variances for the proposed new porch will not have any substantial negative impact on the public good as it will not greatly impact any views of neighboring property owners. Further, the proposal by the applicants, with the deviations sought, will not substantially impair the intent and purpose of the Master Plan or Zoning Ordinance of the City of Ocean City as the proposed porch simply spans the length of the existing single family dwelling facing Battersea Road and is only 1.5% above the permitted building coverage.

For these reasons, the applicants have established a hardship pursuant to N.J.S.A. 40:55D-70c(1) of the New Jersey Municipal Land Use Law to support the variances requested. The applicants have additionally 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 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 Master Plan or Zoning Ordinance 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 May 20, 2026, that the variances requested for rear yard setback to the proposed porch (12.7 feet where 18.2 feet is required) and building coverage (36.5% where 35% is the permitted maximum) are hereby granted. Mr. Buck made the motion to grant the variances, Mr. Waddell seconded the motion. Members Mr. Waddell, Mr. Price, Mr. Geary, Mr. Logue, Mr. DeMarco, Mr. Becker and Mr. Buck 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 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 Ocean City Zoning Board.

Further conditioned that any plan revisions as required from the approval must be completed, including but not limited to showing gutters on the plan.

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

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

ZONING BOARD OF ADJUSTMENT
CITY OF OCEAN CITY

Dated: 6/17/26

/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 17th day of June 2026 as held at said meeting.

Dated: 6/17/26

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.