

WHEREAS, the property is located in the Gardens R-1 Neighborhood 45/5000 Zone (“G-45/5000 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 3,587 square feet in total lot area, with lot frontage of 39.97 feet at Inlet Road and an average lot depth of 94.01 feet. The minimum required lot area for interior lots such as the subject property in the G-45/5000 Zone is 5,000 square feet, while the minimum required lot width is 45 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 Ocean City Zoning and Land Development Ordinance (the “Zoning Ordinance”) and does not require variance relief for the deficient lot area, lot width or lot depth. A single family dwelling that had existed on the property was recently demolished and the property is now vacant land. The Applicants obtained a Zoning Permit issued March 6, 2026, to construct a new single family dwelling on the property with parking underneath.

The applicants have since determined to construct a detached garage at the back left rear of the property in lieu of parking underneath the dwelling. In turn, the proposed single family dwelling will be lowered by approximately six feet over a crawl space from that which the applicants previously obtained the Zoning Permit. The detached garage will increase building coverage on the property to 41.47%, where 35% is the maximum permitted. A rear porch to the proposed single family dwelling is also at a rear yard setback of 21.21 feet, which slightly exceeds the minimum required rear yard setback of 24.12 feet / 22.88 feet. As a result, variance relief pursuant to N.J.S.A. 40:55D-70c is required by the applicants for the excess building coverage and for the rear yard setback to the porch. 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 excess building coverage and rear yard setback deviation to the porch. The applicants' testimony also indicated that the properties on both sides of the subject property are developed and they have no ability to acquire more land to make the size of the property conforming or more conforming. The testimony on behalf of the applicants opined that the proposal advances several purposes of zoning set forth in the New Jersey Municipal Land Use Law, including advancing the general welfare by lowering the proposed single family dwelling well below the maximum permitted height and proposing a modestly sized single family dwelling more in character with the neighborhood than had parking been provided underneath the dwelling, promoting light, air and open space by not maxing out the height of the proposed single family dwelling and complying with the majority of bulk requirements of the G-45/5000 Zone, and providing an aesthetic enhancement with a proposed brand new single family dwelling. The applicants' testimony also 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 lower height of the proposed single family dwelling is consistent with the development pattern of the neighborhood and the proposed single family dwelling is modest in size.

Public Comment: None

Exhibits: A-1 (11 sheets - rendering and plans)

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

The applicants obtained a Zoning Permit issued March 6, 2026, to construct a new single family dwelling on the property with parking underneath. The applicants now propose to construct

a new single family dwelling with a detached garage at the left rear of the property in lieu of parking underneath. The applicants require variance relief pursuant to N.J.S.A. 40:55D-70c for building coverage of 41.47% where 35% is the permitted maximum and rear yard setback to a porch to the proposed single family dwelling of 21.21 feet where 24.12 feet / 22.88 feet is required. 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 3,587 square feet in total lot area, lot frontage of 39.97 feet at Inlet Road and an average lot depth of 94.01 feet, with no ability by the applicants to make these conditions conforming or more conforming. Despite the property being undersized, the applicants have designed a dwelling that meets or exceeds the front yard setback, side yard setback, impervious coverage, and height requirements of the G-45/5000 Zone. The undersized nature of the property presents a hardship as it is impracticable for the applicants to comply with the maximum permitted building coverage of 35% and the minimum required rear yard setback to the porch at the proposed single family dwelling of 21.21 feet. Pursuant to N.J.S.A. 40:55D-70c(2), the proposal by the applicants also advances several purposes of zoning set forth in the New Jersey Municipal Land Use Law. Those include advancing the general welfare by lowering the dwelling well below the permitted height and constructing a modestly sized dwelling more in character with the neighborhood than had parking been provided underneath the dwelling, promoting light, air and open space by not maxing out the height of the dwelling and complying with the majority of bulk requirements of the G-45/5000 Zone, and providing an aesthetic enhancement with a brand new single family dwelling. Moreover, as it pertains to the building coverage variance, a lower single family dwelling with a detached garage which is driving that deviation is more consistent with the character of the neighborhood than had parking been provided underneath the proposed single family dwelling. In addition, the rear yard setback

deviation is to a porch to the proposed single family dwelling only and is *de minimis*. Granting the variances for the proposed new single family dwelling will not have any substantial negative impact on the public good as the proposed single family dwelling is modestly sized, well below the maximum permitted height, below the maximum permitted impervious coverage and exceeds the front and side yard setback requirements. 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 single family dwelling, with its modest size and lower height, is consistent with the character of the neighborhood.

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 building coverage (41.47% where 35% is the permitted maximum) and rear yard setback to a porch to the proposed single family dwelling (21.21 feet where 24.12 feet / 22.88 feet is required) are hereby granted.

Mr. Waddell made the motion to grant the variances, Mr. DeMarco seconded the motion. Members Mr. Price, Mr. Geary, Mr. Logue, Mr. DeMarco, Mr. Becker, Mrs. Schnieder and Mr. Waddell voted in favor. Zero members were opposed. Motion passed 7-0. Chairperson Buck recused himself and removed himself from the dais at the outset of the application.

It is specifically noted that the elevation of the proposed single family dwelling is designed without regard to the Resilient Environments and Landscapes Rules (i.e. REAL Rules) contemplated by the New Jersey Department of Environmental Protection. To the extent the City of Ocean City Zoning Office or Construction Office, or any other governmental entity, requires the elevation of the proposed single family dwelling on the property to comply with the REAL Rules (which would result in the proposed single family dwelling being elevated approximately one foot), the applicants are entitled to comply with the elevation required by the REAL Rules without further relief from or returning to the Board.

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, except as noted above as it pertains to the Real Rules.

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 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 April 10, 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.

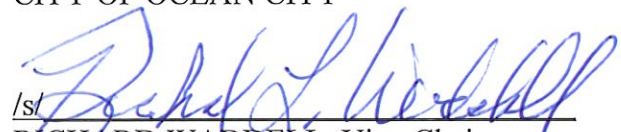
The applicants shall comply with all provisions of the Zoning Ordinance and any and all municipal, County, State and/or Federal laws or regulations relating or applicable to the proposed

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.

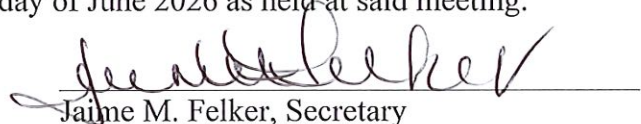
ZONING BOARD OF ADJUSTMENT
CITY OF OCEAN CITY

Dated: 6/17/26


/s/ Richard Waddell
RICHARD WADDELL, Vice-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.