

# **UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT**

## **MEETING MINUTES**

### **FEBRUARY 24, 2021**

A special meeting of the Upper Township Zoning Board of Adjustment was held as a virtual meeting. The meeting was called to order at 6:30 p.m.

#### **SUNSHINE ANNOUNCEMENT**

#### **SALUTE TO THE FLAG**

#### **ROLL CALL**

Present: James Burger, Richard Mashura, Mark Pancoast, Lynn Petrozza, Christopher Phifer, Andrew Shawl, Larry Trulli, Matthew Unsworth, Paul Casaccio.

Absent: Sherrie Lisa Galderisi and Karen Mitchell.

Also, in attendance were Jeffrey Barnes, Board Solicitor, Paul Dietrich, Board Engineer, Shelley Lea, Board Secretary and Zoning Officer.

#### **APPLICATIONS**

##### **1. CRAIG AND CAROL SCHULTHEIS – BLOCK 756 LOT 2 – BA 20-2020**

Applicants are requesting bulk variances to lift the existing single-family dwelling and add a second and third floor at 2812 Bayview Drive in Strathmere.

Jon Batastini, Esquire, represented the applicants.

Christina Amey, Architect, was sworn. She testified the applicants are proposing to renovate the existing 1 ½ story dwelling. The structure currently encroaches into the front yard setback. The front yard setback is currently 4' where 100' is required. A side yard setback variance is needed to allow 8.2' to the house and 7'2" to the deck. She reviewed each of the pre-existing nonconformities and the coverages. The property is at the end of an unimproved road and there is no parking currently available on the property. There is an irregularly shaped bulkhead that cuts through the center of the property.

Mrs. Amey testified the structure is currently on pilings, but it does not meet the current flood regulations. This is an older structure, that is vacant and run down. She testified the new structure would be more aesthetically pleasing. The house will stay in the exact location on the property, and it will be elevated. The septic is being upgraded and a permit has been obtained.

Mrs. Amey testified the property is in the Conservation zone. This zone requires 10 acres. The upland portion of the lot is 3,881 sf and the total lot area is 6,411 sf. The

current structure is legally existing. She testified the application meets the positive criteria for a C1 variance due to the lot size and the location of the building on the property. She testified that special reasons for granting the variances are advanced since the house will be lifted to meet flood requirements, the increased curb appeal and since any impact to the surrounding area is minimized and there is no detriment to the carbon footprint since the applicants are utilizing the existing structure and not building new. Regarding the negative criteria, she finds the variances can be granted without substantial detriment to the public good and will not impair the intent and purpose of the zoning plan or zoning ordinance. She described a photo taken from Taylor Road looking toward South Bayview Drive. She testified that she is the author of each of the photo that was taken today at 2:30 p.m. She reviewed the House Raise Alterations and Addition plan that she prepared, dated 11/13/2020. The variance will meet the height requirement for this zone.

Carol Schultheis, 1230 Route US 9, Ocean View, NJ, was sworn. She has lived in the township for 27 years with her husband and raised 6 children here. They recently sold their home offshore with the intent of making this their primary residence. They would like the additional space since they have a large family.

Mrs. Amey testified the RR and RC zones do not allow 3 habitable floors. This property is in the Conservation District and has different standards. The third floor is a half story with dormers. The area of useable space is limited due to the 5' knee walls. The Conservation zone does not prohibit third floors. There was discussion concerning parking. The house cannot be relocated on the lot to create parking spaces. She hopes to bring the garage floor up to elevation 7 and has added a header to the plan that will accommodate an elevation of 7 in the future if the road should be improved. Mr. Dietrich testified the street is more like a narrow gravel lane. He doubts if the applicants will be able to improve the street due to the proximity to the coastal wetlands. He testified the proposed garage is accessible and can be used as parking.

Mrs. Schultheis testified repairs to the bulkhead will be made in kind until they can obtain a permit for a new bulkhead.

The meeting was open to the public. Hearing no comment, the meeting returned to the board for finding of fact.

MR. UNSWORTH – The applicants are the owners of 2812 S Bayview Drive in Strathmere. They are requesting variances for front yard setback, lot depth, lot frontage, lot area, side yard setbacks, building coverage and number of parking spaces. Most of these are nonconforming conditions. The applicants are using the existing footprint. The house is currently not in compliance with the flood regulations or any of the other current codes. The building will be substantially taller and will have more living space. There will be parking and storage on the first floor. There has been discussion on the access to the parking spaces and he is satisfied there is sufficient parking. They have obtained septic approval. The applicants are trying to replace the bulkhead that exists on the

property. The house will be an improvement to the street, and it will not block light, air, or open space. There was no public comment.

JIM BURGER – He concurs.

MR. MASHURA – He concurs. He finds the benefits outweigh any detriments.

MR. PANCOAST – He agrees.

MS. PETROZZA – She concurs.

MR. PHIFER – Nothing to add.

MR. SHAWL - This is an existing nonconforming lot in the Conservation zone with 3,881 sf of upland where 10 acres is required. He concurs with the findings of the board. He agrees the size of the lot is an extreme hardship and that the architect did a great job keeping the same footprint. The design advances the purpose of zoning and creates a fulltime resident in Strathmere.

MR. TRULLI – He agrees with Mr. Shawl.

MR. CASACCIO – He concurs. The testimony by Ms. Amey is incorporated as fact. A header will be added in the garage for future elevation.

A motion was made by Mr. Unsworth and seconded by Ms. Petrozza to grant the application with the standard conditions. In Favor: Burger, Mashura, Pancoast, Petrozza, Phifer, Shawl, Trulli, Unsworth, Casaccio.

## 2. AMY RIHL – BLOCK 686 LOT 1 – BA 01-2021

Applicant is requesting variances for maximum building coverage and for distance between structures needed for an expansion of an existing detached garage at 741 Steel Road in Beesleys Point.

Amy Rihl, 741 Steel Road, Beesleys Point, was sworn. She proposes to add a 15' x 26' addition to the garage. The height will be 19'10" the same as the existing garage. She testified the addition has been constructed and it was built without approvals. The original garage is 26' x 20' x 19'10". The addition is over an existing concrete pad.

Ms. Lea testified the lot is 13,500 sf and is preexisting nonconforming. The rear and side yard setback requirements for an accessory structure can be reduced to 5' and the applicant meets these requirements. She also conforms to the impervious coverage requirement. The building coverage is 26.6% where 26% is permitted. A variance is needed for the distance between the buildings since the garage was constructed closer to the house than shown on the zoning application and there is only 12' between structures where 15' is required. Mr. Dietrich testified the building coverage is over by 3'2".

Mrs. Rihl testified her husband is operating his consulting business from the basement. There are no clients coming to the house. She makes exercise videos and does nutrition. Her equipment that was being kept in the basement is now in the garage. She does not hold exercise classes in the pole barn. The As Built Survey for the original garage is dated 6-3-2019. She testified the variances can be granted without detriment to the

zoning plan or zoning ordinance and there are other homes in the area with similar setbacks.

Mr. Unsworth testified the pole barn is very attractive and the applicant has made many improvements to the home that have improved the neighborhood.

The meeting was open to the public. Hearing no response, the meeting returned to the board for finding of fact.

MR. SHAWL – Amy Rihl is the owner of 741 Steel Road in Beesleys Point. She added a garage for storage. The garage was enlarged due to unforeseen circumstances. The applicant is seeking a building coverage variance of 22.6% where 22% is permitted and a variance for distance between buildings to allow 12' where 15' is needed. The garage and addition have already been built and are designed to blend into the character of the neighborhood. Testimony was given that there are similar setbacks in the neighborhood. The garage is for storage. There are a lot of smaller homes in this area and storage is necessary. This is a corner lot with two front yards. This is an existing nonconforming lot where 5' rear and side yard setbacks are permitted for accessory uses. He finds the garage is a good addition to the neighborhood.

MR. UNSWORTH – He concurs. He finds there is no detriment to the public good or neighborhood by allowing the garage addition to remain.

MR. TRULLI – He concurs.

MR. PHIFER – He concurs.

MS. PETROZZA – She concurs.

MR. PANCOAST – He concurs.

MR. MASHURA – He concurs. He finds that a time frame is needed for obtaining construction permits.

MR. BURGER – Nothing to add.

MR. CASACCIO – He concurs.

A motion was made by Ms. Petrozza and seconded by Mr. Shawl to grant the application with the condition a building permit application is submitted within 45 days and the standard conditions. In favor: Burger, Mashura, Petrozza, Phifer, Shawl, Trulli, Unsworth, Casaccio.

### **INVOICES**

A motion to pay the bills was made by Mr. Unsworth, seconded by Mr. Shawl, and approved.

### **ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Shawl, seconded by Ms. Petrozza, and approved. The meeting was adjourned at 8:02 p.m.