

City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, April 27, 2017

Opening: In compliance with the Open Public Meetings Act of 1975, adequate notice of the meeting was provided. Chairperson Hutchinson called the meeting to order at 6:00 P.M.

Roll Call:	Mrs. Hutchinson, Chairperson	Present
	Mr. Murray, Vice Chairperson	Absent-Excused
	Mr. Iurato	Present
	Mrs. McAlinden	Present
	Mrs. Werner	Present
	Ms. Hesel	Present
	Mr. Van de Vaarst	Absent-Excused
	Mr. Mullock (Alt. 1)	Absent-Excused
	Mrs. Lukens (Alt. 2)	Present

Also Present: Richard King, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer
Erin Burke, Board Assistant

Minutes:

Motion made by Mr. Iurato to adopt the minutes of March 23, 2017, with changes made, seconded by Ms. Lukens and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Ms. Lukens, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. McAlinden.

Resolutions:

Motion made by Mrs. Werner to approve Resolution number 04-27-2017:1 George & Marie Koumaras, 214 North Street, Block 1030, Lot(s) 4, seconded by Mr. Iurato and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Ms. Lukens, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. McAlinden.

Motion made by Mr. Iurato to approve Resolution number 04-27-2017:2 The Mad Batter, Inc., 19 Jackson Street, Block 1041, Lot(s) 1, seconded by Mrs. Werner and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Ms. Lukens, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. McAlinden.

Applications:

Philip Johnson

**209 Queen Street
Block 1041, Lot(s) 1**

Christina Amey, Architect, Philip Johnson, applicant, and Board Engineer Craig Hurless, PE, PP, CME were sworn in and stated their credentials for the record.

The representative for the applicant, Ron Gelzunas Esquire, gave a brief overview of the proposed construction of a 7.5' x 28' covered porch and new roof over an existing stair and landing.

Project Architect, Christina Amey described the existing conditions of the home and property and the proposed improvements, referring to **exhibit A-1**. Ms. Amey stated that the applicant wants to give the home more character, and that the porch that current exists on the home is too small to actually use. She detailed the various existing non-conformities of the property, emphasizing that there is a pattern of front yard encroachments in that neighborhood. She stresses that the applicant is proposing moderate changes, and that he does not want to overbuild the lot. Ms. Amey maintains that the proposed porch poses no substantial detriment to the neighborhood, and would only benefit the community.

Philip Johnson, applicant, explained that he has lived on Queen Street for 63 years and only wishes to update his home for the modern times and add more character.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated February 23, 2017. He reviewed the checklist items for the C and D variances (page 2 of 5), stating that all waiver requests have been supported. Mr. Hurless explained the seven (7) variances required in detail (pages 3 and 4 of 5):

1. §525-16.1B(1) Table 1 Lot Size
2. §525-16.1B(1) Table 1 Lot Width
3. §525-16.1B(1) Table 1 Lot Frontage
4. §525-16.1B(1) Table 1 Building Setbacks-Queen and Benton
5. §525-16.1B(1) Table 1 Side Yard Setback
6. §525-54A(3)(f) Accessory Structure Front Setback
7. §525-54A(3)(g) Accessory Structure Rear Setback

The General Review Comments 1-7 (pages 4 and 5 of 5) were reviewed and explained in detail, with item numbers 1-5 and 7 being classified as conditions of approval. Item number 6 (stating that the property is located in the Historic District and must receive HPC approval) was removed since it was determined that the property is **not** located within the Historic District.

Discussion was opened to the public within 200 feet at 6:30 PM, then beyond 200 feet, and then closed with no public coming forward to comment.

Motion was made by Mrs. Werner to approve §525-16.1B(1) Table 1 Lot Size, §525-16.1B(1) Table 1 Lot Width, §525-16.1B(1) Table 1 Lot Frontage, §525-16.1B(1) Table 1 Building Setbacks-Queen and Benton, §525-16.1B(1) Table 1 Side Yard Setback, §525-54A(3)(f) Accessory Structure Front Setback, §525-54A(3)(g) Accessory Structure Rear

Setback variances, with waiver item numbers 19, 26, 27, and 28 being granted, subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated February 23, 2017, seconded by Mrs. McAlinden and carried 6-0. Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Ms. Lukens, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

All Board members voiced their reasons for their votes in the positive for the record.

A short recess was taken at 6:35 PM. The meeting resumed at 6:40 PM.

Cape Escape, LLC
1601 Beach Avenue
Block 1185, Lot(s) 23 & 24

As a result of her involvement with the Mid-Atlantic Center for the Arts and Humanities, Chairperson Hutchinson recused herself from hearing the application. In the Vice-Chairperson's absence, Mr. Iurato stepped in as Acting-Chairperson for this application.

Brian Murphy, Engineer/Planner, Catherine Lorentz, Architect, and Patrick McMonigal, owner, were sworn in and stated their credentials for the record.

The representative for the applicant, Ron Gelzunas, Esquire, gave a brief summary of the proposed renovations to the dwelling currently on the lot in question, conversion of the detached garage into a pool house, and the addition of a swimming pool, off-street parking, landscaping, and stormwater management improvements. The pool house is to include a sitting area, wet bar, pool equipment, bath and shower on the first floor, and loft on the second floor. Mr. Gelzunas explained that extensive renovations of the main dwelling are already underway, and all is property permitted. He stated that the applicant has already received HPC approval.

Catherine Lorentz, Architect, described the proposed project using the **exhibits A-1: site plan presented to the HPC, A-2: photograph of garage, and A-3: photograph of house.** Ms. Lorentz detailed the proposed improvements in detail, stressing that the applicant wishes to "reuse" the existing garage and repurpose it into a pool house, rather than demolish it. Ms. Lorentz then discussed the proposed parking conditions on the property, stating that adding more parking would be detrimental to the character of the house and would take away from its beauty. Four stacked parking spaces are proposed in the rear of the property, but only two of the four spaces are RSIS compliant. Engineer/Planner Brian Murphy further explained the existing and proposed parking conditions, referring to **exhibit A-4, A-5, and A-6: Google Earth pictures comparing parking patterns in different areas of Cape May.** Applicant Patrick McMonigal maintained that parking has never been an issue in his neighborhood. Mr. Murphy maintains that the proposed project poses no significant detriment to the public and would result in a much better visual environment.

Ms. Lorentz then discussed the intended uses of the pool house, and emphasized that it would not be heated or air-conditioned and therefore would not be "habitable". Discussion ensued as

to what exactly is “habitable space”, with the Board professionals agreeing that no sleeping quarters of any kind could be present in the proposed pool house.

Board Engineer Craig Hurless explained to the Board that the height of the garage/proposed pool house is not changing. The change of use from a garage to a pool house is what is triggering the non-conformity with the zoning regulations. In the Cape May City zoning ordinance, detached garages and accessory outbuildings have different height regulations, so while the actual height of the structure is not changing, the use is and therefore a height variance is necessary.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated April 7, 2017. He reviewed the checklist items for the C and D variances (page 2 of 7) and explained that waiver item number 5 had been dealt with in the testimony of the applicant’s professionals, and therefore was supported. Mr. Hurless explained the six (6) variances required in detail (pages 4 and 5 of 7):

1. §525-54 Pool House-Change of Use from Detached Garage
2. §525-72C Expansion of Non-Conforming Structure
3. §525-49C(1)Number of Parking Spaces
4. §525-54A(4)(a) Other Outbuilding (pool house) Height
5. §525-54A(4)(b) Other Outbuilding (pool house) Rear Setback
6. §525-61 Pool/Patio Setback

In response to the testimony provided, the building setback and building height variances related to the main structure were deemed unnecessary. The General Review Comments 1-20 (pages 5, 6, and 7 of 7) were reviewed and explained in detail, all being classified as conditions of approval. Item number 5 was amended to state that the applicant must revise the plans for consistency with the HPC conditions of using wood instead of a vinyl fence.

Discussion was opened to the public within 200 feet at 7:50 PM, and then beyond.

Diane Hutchinson, 1126 Washington Street- Speaking as a citizen, Mrs. Hutchinson spoke in support of the project, stating that the proposed home and property will be an asset to Cape May.

Discussion was closed to the public at 7:52 PM.

Motion was made by Mrs. McAlinden to approve §525-54 Pool House-Change of Use from Detached Garage, §525-72C Expansion of Non-Conforming Structure, §525-49C(1)Number of Parking Spaces, §525-54A(4)(a) Other Outbuilding (pool house) Height, §525-54A(4)(b) Other Outbuilding (pool house) Rear Setback, §525-61 Pool/Patio Setback variances, with waiver item number 5 being granted, subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated April 7, 2017, with the emphasis that no sleeping accommodations be present in the pool house, seconded by Ms. Hesel and carried 6-0. Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Ms. Lukens, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Mr. Iurato, Mrs. McAlinden, and Ms. Lukens voiced their reasons for their votes in the positive for the record.

A short recess was taken at 7:56 PM. The meeting resumed at 8:02 PM.

*Peter and Lorraine Baldwin
905 Washington Street
Block 1094, Lot(s) 22*

Diane Hutchinson resumed the position of Chairperson.

Matthew Sprague, Architect, and Peter and Lorraine Baldwin, applicants, were sworn in and stated their credentials for the record.

The applicants, Peter and Lorraine Baldwin, gave a brief overview of the proposed construction of an 8' x 21.17' covered porch in the front of their home. Mrs. Baldwin explained the existing conditions of the home, referring to **exhibits A-1, A-2, A-3, and A-4**: photographs of the existing home and property. She states that the proposed porch will not extend beyond the existing front deck, and that she has already received HPC approval. The current parking conditions on the property were discussed, referring to **exhibit A-5: photograph of existing driveway**, with Mrs. Baldwin maintaining that they are able to fit two cars in the driveway. Board Engineer Craig Hurless explains that while the applicants are testifying that two cars fit in the driveway, only one space is RSIS compliant. He recommends extending the driveway to allow for two RSIS compliant parking spaces. Mrs. Baldwin voiced reluctance to add more impervious coverage to their property.

Project Architect, Matthew Sprague, described the existing conditions of the home and property, maintaining that the existing deck is in a state of disrepair. He emphasized that the materials used for the proposed porch will blend in with the rest of the neighborhood and that the improvements will be a substantial benefit to the community.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated March 16, 2017. He reviewed the checklist items for the C and D variances (page 2 and 3 of 5), stating that as a result of the testimony, item numbers 10, 12, and 13 were no longer applicable. All other waiver items were classified as conditions of approval. Mr. Hurless explained the six(6) variances required in detail (pages 3 and 4 of 5):

1. §525-16B(1) Table 1 Lot Size
2. §525-16B(1) Table 1 Lot Width
3. §525-16B(1) Table 1 Lot Frontage
4. §525-16B(1) Table 1 Building Setbacks
5. §525-16B(1) Table 1 Side Yard Setback (Each & Total)
6. §525-49C(1) Off Street Parking - Number

The General Review Comments 1-12 (pages 4 and 5 of 5) were reviewed and explained in detail with item numbers 1-6, 9-12 being classified as conditions of approval.

Discussion was opened to the public within 200 feet at 8:26 PM, then beyond 200 feet, and then closed with no public coming forward to comment.

Motion was made by Mrs. Werner to leave the driveway as-is, and approve §525-16B(1) Table 1 Lot Size, §525-16B(1) Table 1 Lot Width, §525-16B(1) Table 1 Lot Frontage, §525-16B(1) Table 1 Building Setbacks, §525-16B(1) Table 1 Side Yard Setback (Each & Total), §525-49C(1) Off Street Parking - Number variances, with waiver item numbers 19, 20, 21, 22, 24, 26, 27 and 28 being granted, subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated March 16, 2017, seconded by Ms. Hesel and carried 6-0. Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Ms. Lukens, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Ms. Lukens to adjourn the meeting at 8:30 PM with all in favor.

Respectfully Submitted, Erin Burke/Board Assistant.