

City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, June 26, 2025

Opening: The meeting of the City of Cape May Zoning Board of Adjustment was called to order by Chairperson Terri Werner at 6:07 PM in the City Hall Auditorium. In compliance with the Open Public Meetings Act, adequate notice was provided.

Roll Call:	Mrs. Werner, Chairperson	Present
	Mr. Venuto, Vice Chairperson	Absent
	Mr. Ledwin	Absent
	Mrs. Notch	Present
	Ms. Sheehan	Present
	Mr. Walsh	Present
	Mr. Zektzer	Present
	Mr. Yeager (Alt. 1)	Absent
	Ms. Stevenson (Alt. 2)	Present

Also Present: Richard King, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer & Planner
Karen Keenan, Board Assistant

Resolution(s):

Motion made by Ms. Sheehan to adopt Resolution number 06-26-2025: 1, John & Joan Dempsey, 665 Hughes Street, Block 1058 Lot(s) 15, seconded by Mrs. Notch and **carried 4-0.** Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Ms. Stevenson. Those opposed: None. Those abstaining: Mr. Zektzer, Mrs. Werner.

Motion made by Ms. Sheehan to adopt Resolution number 06-26-2025: 2 Martin & Valerie Carlin, 1102 Lafayette Street, Block 1113 Lot(s) 1, seconded by Ms. Stevenson and **carried 3-0.** Those in favor: Ms. Sheehan, Mr. Walsh, Ms. Stevenson. Those opposed: None. Those abstaining: Mrs. Notch, Mr. Zektzer, Mrs. Werner.

Motion made by Ms. Sheehan to adopt Resolution number 06-26-2025: 3, Matthew & Ann Lowe, 1443 Delaware Avenue, Block 1171 Lot(s) 18, seconded by Mrs. Notch and **carried 4-0.** Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Ms. Stevenson. Those opposed: None. Those abstaining: Mr. Zektzer, Mrs. Werner.

Minutes:

Motion was made by Mrs. Notch to adopt the meeting minutes of May 22, 2025, seconded by Ms. Sheehan and **carried 4-0.** Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Ms. Stevenson. Those opposed: None. Those abstaining: Mr. Zektzer, Mrs. Werner.

Application(s):

***Gary & Miriam Waxman
931 Corgie Street, Block 1093 Lot(s) 11***

Attorney Ronald Gelzunas of Ronald J. Gelzunas LLC introduced the application seeking hardship, substantial benefit and use variances to construct an outdoor shower, larger concrete apron, reconstruction of the shed and replacement of a concrete walkway with pavers.

Owners Gary and Miriam Waxman, Engineer and Architect John Halbruner of The Hyland Group and Board Engineer and Planner Craig Hurless were sworn in by Solicitor King for the record. Engineer Halbruner was accepted as an expert in engineering and architecture by Chairperson Werner.

Engineer Halbruner described the existing conditions at the property with a single family home in the front and a rear building of two one-bedroom apartments (not as shown on the plan as a rear single family home). He shared the plan to reconstruct the shed and outdoor shower and provided details of replacing concrete walkways with pavers.

There was a discussion on parking with a determination that a parking variance is required. The board engineer's table was revised to show five spaces are required, and four are existing. Owner Gary Waxman said they do not have parking issues on the property. Engineer Halbruner said they cannot fit an additional parking space on the property in a conforming manner.

There was a discussion on the requirement of a use variance, and the use variance was determined to not be required. Engineer Halbruner said they are looking to legalize the shed reconstruction that began without permits.

Engineer Halbruner advised that conceptual approval of the project has been received by the Historic Preservation Commission (HPC). He testified that the purposes of zoning are advanced by encouraging municipal action to promote health, safety and general welfare by preserving historic characteristics and replacing the concrete with pavers, reducing lot coverage or installing a stormwater system. There was a discussion on the option of installing pavers in place of the concrete driveway or a discharge system with the option available to the applicants. Engineer Halbruner said they are not increasing nor exacerbating any conditions, and the lot is exceptionally narrow and creates a hardship for the applicants. He said that the project poses no substantial detriment to the zoning ordinance or public good and the benefits outweigh the detriments.

Board members were allotted time for questions of Engineer Halbruner. Member Sheehan asked the height of the shed, and Engineer Halbruner responded ten feet. Owner Gary Waxman said there will be no plumbing, heating or electricity in the shed. He said they use the apartments for family use. Member Sheehan asked the size of the outdoor shower, and Engineer Halbruner said the shower size is four feet by four feet and conceptually approved by the HPC.

Engineer Hurless then summarized his memorandum dated April 17, 2025. He described his completeness review and the waivers he supported. He said the plans for the shed and shower must be provided as a condition of approval. He said the design calculations for the stormwater system is required as a condition of approval if the applicants decide to install one versus replacing the concrete with pavers. He revised his zoning table to show existing use to be single family dwelling and two one-bedroom apartments. He summarized the details of the lot size, lot coverage, shed-rear yard setback, nonconforming structure on nonconforming lot and parking variances requested. The General Review Comments 1-15 were reviewed and explained in detail with all items being classified as conditions of approval. He said the drainage for the outdoor shower must be provided on the plans. The applicants indicated that the landscaping and vegetation will not be changed, and Engineer Hurless said that should be notated on the plan. Engineer Hurless advised the Fire and Public Works Departments recommended approval of the project in their reports dated April 29, 2025 and May 29, 2025, respectively. The Shade Tree Commission requested a construction barrier to protect the arborvitae and modified construction barrier to protect the rear mulberry tree in their report dated April 29, 2025. Engineer Halbruner agreed to the ensure the safety and protection of the trees and accepted all the conditions.

Board members were allotted time for questions of Engineer Hurless. Member Sheehan asked about the change in lot coverage, and Engineer Hurless responded that the compliance plan must indicate a lot coverage better than 58% of the existing lot coverage if the board approves the application.

Discussion was opened to the public within two hundred feet and beyond at 7:13 PM and closed with no public coming forward to comment.

Motion was made by Mr. Walsh to grant the variances for §525-16B(1) Table 1 Lot Size, §525-16B(2) Lot Coverage, §525-55A(4) Shed-Rear Yard Setback, §525-73D Nonconforming structure on nonconforming lot and §525-49C(1) parking – number of spaces variances, subject to waivers 26, 27 and 33 and conditions 5 and 28 listed on page two, conditions 1-11 as outlined on pages five and six in the April 17, 2025 memorandum by Craig R. Hurless, PE, PP, CME, subject to compliance with the Fire and Public Works Departments and protection of the trees to the satisfaction of the board engineer, the applicant putting in a discharge system unless they bring the property into conformance with the lot coverage requirement by replacing concrete with pavers and subject to all conditions discussed at the hearing, seconded by Mr. Zektzer and carried 6-0. Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Mr. Zektzer, Ms. Stevenson, Mrs. Werner. Those opposed: None. Those abstaining: None.

***Brian & Victoria O'Connor
1226 Lafayette Street, Block 1129 Lot(s) 10***

Attorney John Amenhauser of The DeWeese Law Firm PC introduced the application seeking hardship and substantial benefit variances to construct a second-floor addition and a two story front covered porch addition.

Owners Brian and Victoria O'Connor and Architect Paul Farnan of Fulcrum Design Group LLC were sworn in by Solicitor King for the record. Engineer and Planner Hurless remained under oath. Architect Farnan presented his credentials and was accepted as an expert in architecture by Chairperson Werner.

Architect Farnan described the existing conditions on the undersized narrow lot in the Historic District. He said the project has conceptual approval from the Historic Preservation Commission (HPC). He described the plan in detail and said the only expansion is upward, and the number of bedrooms will increase from two bedrooms to four bedrooms total. He testified that the variances can be granted, as the project will enhance curb appeal and enhance the character of the property. He said the property will be required to be flood compliant, there will be adequate light, air and open space, there will be aesthetic improvement, promotion of establishment of appropriate population density and desirable visual environment through creative design techniques. Permeable paver strips will replace the concrete driveway, which is adjacent to a neighboring concrete driveway, and reduce lot coverage from proposed 39% to 35%, which is an improvement and complies with the requirement. Exhibit A-1 was distributed to the board. The exhibit is a photograph of the front of the property and shows the two abutting driveways. Architect Farnan said the curb cut will not change and the center control joint of the driveway is on the property line. Architect Farnan said the neighbor's accessibility to the driveway will not change. He said there is no substantial detriment to the public good or impairment to the zone plan or zoning ordinance. Architect Farnan said they agree to the conditions in the board engineer's memorandum.

Board members were allotted time for questions of Architect Farnan

Member Sheehan asked if the house is going to be elevated, and Architect Farnan said it will not be necessary. The project already meets the requirements.

Member Walsh and Member Sheehan expressed concern about the house being so far forward than all the other houses. Architect Farnan said there is a house farther forward across the street, and this project enhances the Historic District. There was a discussion on other possibilities, and Architect Farnan said the adjacent neighbor's light, air and open space would be negatively affected if the house was relocated towards the rear.

Architect Farnan said they will build a plywood enclosure around the street tree to ensure it is safe during all construction activities.

Member Walsh asked if there will be glass windows behind the Bahama shutters, and Architect Farnan replied yes.

Engineer Hurless then summarized his memorandum dated May 14, 2025. He corrected his memorandum to read the dwelling with addition proposed to be 2,490 square feet of habitable space. He described his completeness review and the waivers he supported including those to be conditions of approval. He summarized the details of the lot size, lot width and lot frontage, building setback – front yard, side yard setback (each and total), and nonconforming structure on nonconforming lot variances. He described the expansion as a vertical expansion. He said they

are not overdeveloping the lot, as they are reducing the lot coverage to 35% from existing 38%. The General Review Comments 1-14 were reviewed and explained in detail with all items classified as conditions of approval. The applicant agreed to all conditions. Engineer Hurless advised the Fire and Public Works Departments recommended approval of the project in their reports dated June 5, 2025 and June 2, 2025, respectively. The Shade Tree Commission recommended approval of the project on the condition that the tree be protected during and get a permit to trim the tree to the satisfaction of the city in their report dated June 5, 2025.

Board members were allotted time for questions of Engineer Hurless.

Discussion was opened and closed to the public within two hundred feet and beyond at 8:07 PM with no public coming forward to comment.

Motion was made by Ms. Sheehan to grant the variances for §525-15B(1) Table 1 Lot Size, §525-15B(1) Table 1 Lot Width & Lot Frontage, §525-15B(1) Table 1 Building Setback, §525-15B(1) Table 1 Side Yard Setback (Each & Total), and §525-73D Nonconforming structure on nonconforming lot variances subject to waivers 16 and 32 and conditions 19, 25, 28 and 33 listed on page two and conditions 1-14 as outlined on pages four, five and six in the May 14, 2025 memorandum by Craig R. Hurless, PE, PP, CME, subject to compliance with the Shade Tree Commission report dated May 29, 2025 and they need a permit to trim the city tree, and subject to all conditions discussed at the hearing, seconded by Mrs. Notch and carried 6-0. Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Mr. Zektzer, Ms. Stevenson, Mrs. Werner. Those opposed: None. Those abstaining: None.

Members gave reasons for their votes. Members Notch and Sheehan were in favor of the plan, including the addition of character to Lafayette Street. Members Walsh and Zektzer expressed concern about the second floor porch but liked the streetscape with the tree somewhat blocking the porches. Member Stevenson liked the proportion of the smaller house on the smaller lot, the habitable floor area, open air of the porches, and adequate parking on Lafayette Street and said the benefits exceed the detriments of the expansion. Chairperson Werner agreed with the other comments and asked the applicant to care for the street tree including the roots which probably extend into the construction area.

Discussion:

Payment of Bills

Motion made by Mrs. Notch to approve the payment of bills, seconded by Ms. Sheehan and carried 6-0. Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Mr. Zektzer, Ms. Stevenson, Mrs. Werner. Those opposed: None. Those abstaining: None.

Motion made by Mr. Walsh to adjourn the meeting at 8:12 PM with all in favor.

Respectfully Submitted by Karen Keenan, Board Secretary