

DORAN

ENGINEERING, PA
ENGINEERS • PLANNERS • SURVEYORS

840 NORTH MAIN STREET • PLEASANTVILLE, NJ 08232
(609) 646-3111 FAX (609) 641-0592

MEMO TO: City of Somers Point Zoning Board

FROM: Matthew F. Doran, Board Engineer

DATE: May 28, 2024

RE: James Ginn
Doran # SP0075

LOCATION: 115 Holly Hills Drive
Block: 1915, Lot 3

STATUS: “d” (1) Use Variance, “C” Variance

BASIS FOR REVIEW: Plans prepared by Schaeffer, Nassar, Scheidegg, Engineers
Sheet 1 of 1 dated 10-9-23, revised 3-4-24

Owners consent for the application, dated 4-2-24
Application Package, dated 5-8-24
Variance Justification Report, by Richard A. Carlucci, Esq., undated
200’ Owners List, by Lisa King, Tax Collector, dated 4-26-24
Preliminary building sketches, undated
Zoning denial permit, dated 3-27-24
CAFRA Permit, dated 3-8-24

USE: Single Family Dwelling

JURISDICTIONAL AREA: CAFRA

ZONING REQUIREMENTS: This property is located in the HC-2 Highway Commercial -2 District Zone, which is primarily for Highway Commercial Uses. The following is a review of the bulk requirements for the proposed project:

ITEM	REQUIRED	PROPOSED	CONFORMITY
LOT AREA	15,000 SF	40,481 SF	C
LOT WIDTH	100’	319.36’	C
LOT DEPTH	100’	184.96’	C
SETBACKS:			
FRONT (Holly Hills Drive)	50’	20’	DNC
FRONT (SP-Mays Landing Rd)	50’	>50’	C

ITEM	REQUIRED	PROPOSED	CONFORMITY
SIDE	30'	31'	C
REAR	As determined by the Board		As determined by the Board
HEIGHT	2 STY/35'	<35'	C
COVERAGE	30%	7.7%	C

DNC- Does Not Comply.

PROJECT DESCRIPTION:

The applicant has applied to the Zoning Board of Adjustment to request a “d” (1) variance to allow the construction of a residential use, single-family dwelling, in the Highway Commercial- 2 Zone, which does not permit residential uses. The applicant is also requesting “C” variance relief for a front yard setback variance to Holly Hills Drive.

The site is presently encumbered with wetlands, however, the wetlands and wetland buffers have been shown, as provided by the State of New Jersey being File No. 0121-02-0010.1, dated 3/8/24.

REVIEW COMMENTS:

1. The property in question is located in the HC-2, Highway Commercial-2 Zone, which allows for a wide variety of commercial and professional uses. Single-family detached residential uses are not permitted. The applicant will be required to obtain a use “d” (1) variance, in order to construct the dwelling, and “C” variance relief for the front yard setback.

The applicant will be required to obtain five (5) positive votes from the eligible board members to obtain the approval for the use “d” (1) variance.

2. The following is a list of required variances:
 - a) Use “d” (1) variance, to construct a single-family dwelling in a Commercial Zone.
 - b) “C” variance relief- Required front yard setback is 50’; 20’ is proposed.
3. A use variance falls under the jurisdiction of the Zoning Board as permitted in NJS 40:55D-60.a and 40:55D-70.d, the Board may “in particular cases and for special reasons grant a variance to allow departure from regulations pursuant to Article 8 of this act to permit; (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a non-conforming use, (3) deviation from a specification or standard pursuant to Section C. 40:55D-67 pertaining solely to a conditional use, (4) an increase in the permitted floor area ration as defined in Section C. 40:55D-4, except as applied to the required lot area for a lot or lots detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision or (6) a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

The applicant must prove, and the Board must find “quality of proof as well as clear and specific findings” that the granting of this variance will not be inconsistent with the intent

and purpose of the Master Plan and Zoning Ordinance. This is commonly known as the Negative Criteria.

The applicant must also show “special reasons” for the Board to grant this variance. Special reasons have been defined as those reasons that carry out a purpose of zoning.

The applicant needs to prove additional testimony as to how the (1) variance can be granted in accordance with the criteria outlined above and within the M.L.U.L.

The Municipal Land Use Law (N.J.S.A. 40:55d-2) enumerates the Purpose of Zoning as:

- a To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b To secure safety from fire, flood, panic and other natural and man-made disasters;
- c To provide adequate light, air and open space;
- d To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f To encourage the appropriate and efficient expenditure of public funds by the coordination or public development with land use policies;
- g To provide sufficient space in appropriate locations for variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l To encourage senior citizen community housing construction;
- m To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n To promote utilization of renewable energy resources;

- o To promote the maximum practicable recovery and recycling of recyclable materials from solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

The Board has the power to grant the bulk variances (“c”) provided the applicant can demonstrate to the Board’s satisfaction, that either:

C (1) (a) By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or (c) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of the zoning regulations would result in the peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the development of the property.

C (2) where an application or appeal to a specific piece of property, the purpose of this act would be advanced by a deviation from the zoning ordinance requirement and the benefits of the deviation would substantially outweigh any detriment.

It should be noted that:

1. No variance may be granted without showing that such variance can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.
4. The property presently contains wetlands and wetland buffers. These clearly are shown on the plan and are verified by the State of New Jersey DEP Watershed and Land Management, File No. 0121-02-0010.0, Actuarially No. LUP 230001, dated 3/8/24.
5. The property contains a drainage ditch that accepts runoff from Somers Point Mays Landing Road.

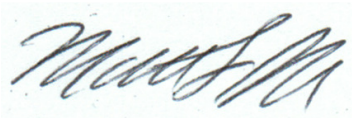
No changes are proposed.

6. The property will be serviced by sanitary sewer provided by the City of Somers Point and domestic water provided by New Jersey American Water Company.
7. The property presently contains concrete curbs and sidewalks along the road frontage of the property. A new concrete apron is proposed for access to the site from Holly Hills Drive. A road opening permit from the city is required for the new apron.
8. The property may be located in a Flood Zone, if so, the appropriate design details shall be submitted to the building department at time of the permit request.

9. Prior to final acceptance of the plan, a copy of the following permits shall be provided for the file.
- a) Cape Atlantic Soil Conservation District
 - b) State of NJDEP- Permit Received
 - c) City of Somers Point for sewer letter of availability.
 - d) New Jersey American Water for water service availability.
 - e) City of Somers Point Road Opening Permit

If you have any questions or request further information, please do not hesitate to contact me.

Very truly,

A handwritten signature in blue ink, appearing to read "Matthew F. Doran".

Matthew F. Doran, P.E., P.P., P.L.S., C.M.E.
Zoning Board Engineer