

**City of Cape May Zoning Board of Adjustment Meeting Minutes
November 10, 2011**

Opening: In compliance with the Open Public Meetings Act, adequate notice of the meeting was provided. Chairperson Pitman called the meeting to order at 6:30 P.M.

Roll Call:	Mr. Pitman, Chairperson	Present
	Mr. Williams, Vice Chairperson	Absent - excused
	Mrs. Hutchinson	Present
	Mr. Iurato	Present
	Mr. White	Present
	Mr. Schmidtchen	Present
	Mr. Todd	Present
	Mr. Meier, Alt 1	Present
	Mrs. Inderwies, Alt 2	Present

Also Present: George Neidig, Board Solicitor
Craig Hurless, P.E., P.P., Board Engineer
Mary L. Rothwell, Zoning Officer
Edie Kopsitz, Recording Secretary

Minutes: October 4, 2011

Motion made by Mr. Iurato to approve the minutes dated October 4, 2011 as presented. Seconded by Mr. White and **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. White, Mr. Todd, Mr. Schmidtchen, Mr. Meier and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

Resolutions:

Celio, 120 Decatur Street, Block 1041 Lot 7

Motion made by Mr. Iurato to approve the Celio Resolution #11-08-2011 as presented. Seconded by Mrs. Hutchinson and **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. White, Mr. Todd, Mr. Schmidtchen, Mr. Meier and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

Application:

**Koehler, 1005 Beach Avenue, Block 1095 Lot 15
Use Variance/Site Plan Request**

Mr. Hurless clarified his credentials for the record.

Louis Dwyer, Esquire appearing for Frank and Georgette Koehler who were present along with their professional Joseph Ross, Architect and were sworn in by Mr. Neidig. Mr. Dwyer stated the applicants have a variance approved Garage Apartment by Resolution #1-12-94:3 and want to expand the living area of the garage (carriage house) apartment by 262 square feet . Mr. Dwyer confirmed the structure is a 3 ½ story dwelling with a basement a detached garage with apartment, the FAR in the RS district is 75% with the request it will be .39% stating the site is modestly used. Joseph Ross Architect referred to his plans dated August 19, 2011 Sheet A-1 clarifying Sketch Site Plan and the second floor plan and Sheet A-2 denoting the Front, Side and Rear Elevations. He emphasized the addition will consist of additional living area, a relocation of a bedroom that will make the space more habitable. There are no additional bedrooms proposed. He stated the negative criteria are satisfied elaborating on the justification. Mr. Ross informed the members of the conceptual approval of the Historic Preservation Commission June 3, 2011 and the requested revisions pertaining to combining the porches with same railing design as main structure. Mr. Dwyer submitted into evidence a copy of the HPC Meeting Minutes of June 3, 2011 **marked A-2**.

Board Engineer, Craig Hurless then reviewed his report of September 21, 2011 clarifying the description for the membership. He detailed the proposal and clarified the variance for positive and negative criteria requirements per NJSA 40:55D-70d. Mr. Hurless refers to his completeness review on pages 2 for the C & D Variances items, #20, #21, #24, #26, #27, #28, #29, #30, #32, #33 and detailed required for waiver from Site Plan review as outlined in §417-5C of the City of Cape May Code. He addressed the Zoning table on page 3 for the RS District and sited ordinance §525-19 “Multi-Family Dwellings clarifying the standard, required, existing, proposed and status. He continued with the three (3) variances sought as §525-19 Use Variance (expansion of non-conforming use), §525-19B (1) Table 2 Rear Yard, §525-19B (1) Table 2 Side Yard Setback (Each & Total). His General Review comments on pages 5 through 6, items #1, #2, #3, #4 condition, #5, #6, #7 HPC final and #8 last sentences pertaining to COAH. Discussion ensued regarding the Side Yard Setback request with Mr. Dwyer requesting its omission. Mr. Hurless requested the plans be revised to indicate as a condition of approval the Variance for the Side Yard Setback is omitted.

Mary Rothwell, Zoning Officer wanted verification regarding the parking and if the spaces are designated. Mr. Dwyer responded that the parking of two (2) spaces exists in the garage.

Chairman Pitman opened the meeting for public comment at 7:10 pm with no one coming forward the public portion was closed.

Members were allotted time for questions and commended the applicant on the renovation. Originally the concerns were the expansion of a non-conforming use and all concurred that there is no increase of bedrooms with no impacting of traffic and parking problems. This application is not precedence setting and commended Mr. Ross on his plans. Members also voiced that no one from the public was in attendance and concluded there was no issue with the adjacent neighbors.

Mr. Dwyer closing remarks highlighted the request of a variance approved non-conforming use and stated the site was unique.

Motion made by Mr. Meier that the expansion of the Use Variance be granted. Seconded by Mr. Schmidtchen and **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. White, Mr. Todd, Mr. Schmidtchen, Mr. Meier and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. White to approve the completeness waivers as noted on Mr. Hurless completeness review report dated September 21, 2011 pages 2 and 3 of 6 from sections #20, #21, #22, #24, #26, #27, #28, #29, #30, #32 & #33. Seconded by Mr. Meier, **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. White, Mr. Todd, Mr. Schmidtchen, Mr. Meier and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. White for approval of the Site Plan Waiver. Seconded by Mr. Meier, **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. White, Mr. Todd, Mr. Schmidtchen, Mr. Meier and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

Motion made by Mrs. Hutchinson that the variance for the Rear Yard §525-19B (1) Table 2 be granted. Seconded by Mr. Schmidtchen, **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. White, Mr. Todd, Mr. Schmidtchen, Mr. Meier and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier for approval of the Conditions noted on Mr. Hurless's report dated September 21, 2011 pages 5 & 6 of 6; items #1, #2, #3, #4, #5, #6, #7 HPC Final approval, #8 and Revise the plans indicating the removal of the side yard setback from the zoning table. Seconded by Mr. White, **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. White, Mr. Todd, Mr. Schmidtchen, Mr. Meier and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

Mr. Pitman informed the membership this would be his last meeting and thank them profusely for their dedication. Members in unison thanked Mr. Pitman for years of service and wished him well in his future endeavors.

Motion made by Mr. Schmidtchen to adjourn @ 7:20pm. Seconded by Mr. White **and carried with all in favor.**

A verbatim recording of said meeting is on file at the Construction/Zoning Office.

Respectfully submitted: Edie Kopsitz, Recording Secretary.

Adopted 1-26-2012