

VENTNOR CITY ZONING BOARD
MINUTES
JANUARY 21, 2009

1. CALL TO ORDER

Acting Chairman Jim Reynolds called the meeting to order and led the flag salute.

2. ROLL CALL

PRESENT

Jim Reynolds
Lorraine Sallata
Clyde Yost
Greg Maiuro
Dan Smith
Ken Cutugno

ABSENT

Mike Weissen- excused

3. APPOINTMENT OF CHAIRMAN, VICE-CHAIRMAN AND STAFF, DATES

- A. CHAIRMAN – A motion was made by Greg Maiuro and seconded by Ken Cutugno to nominate Jim Reynolds as Chairman all were in favor.
- B. VICE-CHAIRMAN – A motion was made by Greg Maiuro and seconded By Clyde Yost to nominate Lorraine Sallata as Vice-Chairman all were in favor.
- C. SOLICITOR – A motion was made by Dan Smith and seconded by Lorraine Sallata to nominate John C. Matthews as Solicitor, all were in favor.
- D. ENGINEER/PLANNER – A motion was made by Lorraine Sallata and seconded by Ken Cutugno to nominate Richard Carter, all were in favor.
- E. STENOGRAPHER – A motion was made by Lorraine Sallata and seconded by Greg Maiuro to nominate Nicole Barbella, all were in favor
- F. BOARD SECRETARY – A motion was made by Ken Cutugno and seconded by Dan Smith to nominate Helen Lazar, all were in favor.
- G. MEETING DATES FOR 2009 – A motion was made by Greg Mauiro and seconded by Lorraine Sallata to approve dates, all were in favor.

4. ANNOUNCEMENT

The application for Dr. Jack Shipon, 106 S. Wissahickon Ave, Blk 34 Lot 10 has been postponed until 2-18-09, no further notice will be necessary.

5. APPLICANT

Allen and Renee Flehinger
17 N. Lafayette Ave. Blk 130 Lot 13
Rep. Christopher Baylinson, Esq.

Mr. Baylinson told the Board that his client was seeking a few minor variances to add a second floor addition to their property, this house is the only single story house on the block, and they want to meet the pattern of the existing neighborhood. He will let the architect explain.

John Obelenus, Architect for the applicant was sworn in. He stated that this home was a single story structure with an attic. Right now the home contains three bedrooms and one bathroom. The applicant with approval would then have a four bedroom two bathroom two story home. There is a slight variance for a fill in area to the side towards the rear, the rearyard is more than conforming with 20ft, the other side yard more than conforms with 11 ft. The principle building conforms with a setback of 15.6 ft however, the applicant wants to cover the porch therefore a variance for the front yard will be necessary. The entire house will be completely renovated. On the left side, which is where the variance is needed, the neighbors have their driveway there so there is plenty of open space.

Richard Carter stated that he wanted the Architect to note his comments # 5 specifically from his letter dated 1/16/09, which states "The rear yard construction meets the rear yard setback; however, I would proposed a condition that clear dimensions and setbacks be added to all of that proposed construction to assure compliance with the designed widths and assure final compliance with the setback requirements. In addition, a dimension shall specifically be added to the HVAC unit side yard setback to assure compliance with Ordinance requirements." Both John Obelenus and Chris Baylinson agreed to this condition.

Ken Cutugno asked the reason for covering the porch, and that was to create a second floor deck.

Greg Mauiro asked if basically the house was being gutted and all renovations would be in the same footprint, yes except for the slight squaring off at the corner.

Lorraine Sallata asked about landscaping and the applicant agreed to create one for the Board to approve.

Public Portion – no one spoke .

Vote-

A motion was made by Greg Maiuro and seconded by Ken Cutugno to approve this application pending the two conditions of #5 Dick Carter's letter, and a landscaping plan was submitted.

Dan Smith – Yes, with the conditions, the constraints of this property are valid. It's a great upgrade, kept within the design of the neighborhood, well thought out plan.

Greg Mauiro – Yes, with the conditions, its an old structure that will now be upgraded, asset to the neighborhood.

Ken Cutugno- Yes, the encroachments are minimal, upgrades not only benefit the owner the whole neighborhood gains.

Clyde Yost – Yes, with the conditions, this is an enhancement to the neighborhood.

Lorraine Sallata – Yes, positive improvement for the neighborhood, no negative impacts, as long as conditions are complied with, good planning.

Jim Reynolds – Yes, great improvement, great for the neighborhood.

Therefore by a vote of 6 in favor 0 opposed, the motion is granted.

6. APPLICANT

Otha Payne and Kimberly Schultz
610 Kingsley Drive. Blk 328 Lot 11
Brian Callaghan, Esq.

Brian Callaghan stated that this applicant was requesting a side yard and height variances that the plans have been revised, instead of the 20ft height they were able to reduce the size of the height to 16 feet.

Mr. Otha Payne was sworn in and testified that he owns a 1944 Ford antique car, that the purpose for the additional height was for a lift that would allow his car to be stored there and another car underneath of it.

John Barnhart a licensed Engineer/Planner for the applicant testified that the lot which is 65 X 105 meets the requirements of the zone, the house is unique as it sits right smack in the middle of the property. The garage will be 15 X 20 feet, with a roof peak height of 16 feet. This would bring the garage roof's more into compliance with the neighbor who is ten foot off on the side yard and there is a huge evergreen buffer between the side yard and the rear yard.

Evidence entered into the record was:

A-1 Site Plan

A-2 Picture of Car 1944 Ford Convertible

A-3 Ariel photograph of the neighborhood.

Richard Carter then asked if the applicant would agree as a condition to Item # 6 from his letter dated 1-16-09 which states, " Since there have been concerns recently about accessory structures and drainage, the Applicant shall provide a certification to the Construction Code Official with the Building Permit Application stating that "The proposed construction will not affect drainage runoff on either the existing or abutting properties; and if, determined by the Construction Code Official that said construction does result in a detriment to drainage flow or affect drainage runoff to or from adjacent properties, the property owner shall be required to perform any and all necessary drainage improvements or modifications as may be required by the City in order to eliminate said blockage or ponding and restore proper drainage runoff."

Mr. Carter also asked if there were going to be heat , electric and running water to this accessory structure. Mr. Payne said water to hose off the car, heat would be limited to 1st floor and no sewer.

Greg Mauro asked how high the house roof was, he was informed 22 feet.

Dan Smith asked if the design of the garage was going to match the house, he was informed that after the construction of the garage the owner plans on siding the house to match the siding that will be used on the garage.

Ken Cutugno asked about the barn style swing out doors, he was concerned about Encroachment to the neighbor wondering if when all the way open would it be on the neighbors property. The answer was No, there is plenty of room.

PUBLIC PORTION

Mike Advena asked what the measurement between the garage and the house would be. Mr. Barnhart responded with the answer, it would be 2.3 feet. He stated that he was concerned that a fireman would not be able to fit through this area. He also wanted to make sure that 16ft was absolutely needed.

Mr. Callaghan answered that the property is huge, with a lot of access for the fire to come around either side. The property is unique and the height of the garage would not be negative to the neighbors as seen in the ariel view picture that all the properties in the immediate vicinity to this garage would not really see this as most are surrounded by evergreens that block the view.

No further public spoke, therefore this portion was closed.

Lorraine Sallata asked why couldn't you attach the garage directly to the house would that be more pleasing, as the house is low and it would appear unbalanced. Mr. Callaghan stated doing that would create the unbalanced look.

VOTE:

A motion was made by Greg Maiuro and seconded by Ken Cutugno with the following conditions:

1. #6 from Dick Carter's 1-16-09 letter be adhered to.
2. No sewer line, only outside water, heat limited to 1st flr.
3. Barn style doors cannot encroach the neighbor's property when opened.

Greg Maiuro – Yes, the way the house is positioned on the lot creates the hardship, no neighbors spoke.

Dan Smith – Yes, as the application was amended, likes it being detached, it has a minimal impact, increases the value of the home and no public spoke against it.

Ken Cutugno – Yes, was leaning towards a no vote, however the new change in height, no neighbors speaking against and fire issue resolved he feels ok to approve.

Clyde Yost- Yes, since the plans were amended and the conditions imposed.

Lorraine Sallata – Yes, although she is not enthusiastic about the project, but there are really not a lot of options.

Jim Reynolds – Yes, the applicant showed by amending the application that he has tried to make it work, this is the best and low impact on neighbors.

Therefore by a vote of 6 in favor 0 opposed, the motion is granted.

7. APPLICANT

Dennis and Marilyn Weatherby
905 N. Burghley Ave. Blk 414.01 Lot 25
Brian Callaghan, Esq.

Brian Callaghan stated that his clients bought a very unique irregular shaped lot. This lot is unusual as its bulkhead is the rear, and they are on a curved cul-de-sac. The variances requested are front yard, zone requires 20 ft, they are asking for 16 ft., rear yard the zone requires 15 ft, they are asking for 10 ft.

Peter Weiss, licensed Architect now spoke. He stated that the location being at the curved cul-de-sac and bordering the bulkhead make this a contorted lot. The side yards are fine, the mean high water line was moved by CAFRA and that created The problem in the rear yard. No negative impact would be felt by the rear yard deficiency as they border the water, therefore no neighbors, only open space thereby no blocking of anyone's views. The front triangle is at the end of the curved street, again not blocking any views.

Clyde Yost asked if there is parking allowed in the street, Mr. Weiss stated yes, however his client has a garage and pad which will hold 3 cars.

Ken Cutugno really wanted to understand the radius problems. Mr. Weiss, Mr Callaghan and Dick Carter explained the moving by CAFRA of the high water line and what that meant, and the uniqueness of this lot.

PUBLIC PORTION

Joan Glick of 906 N. Cornwall Ave. stated that all lots were unconventional out there. Loves the home design and she wants more neighbors.

Tom Collins of 903 N. Burghley Ave. stated that the design is a great addition to the neighborhood, just had questions regarding the landscape screen mentioned on the plans, like what materials and how high.

Mr. Callaghan stated that it would be trees, etc. and probably 6-8 feet, which Mr. Collins stated he was please and would even ask they go higher with the bushes as they would be a great buffer.

VOTE

A motion was made by Dan Smith and seconded by Clyde Yost with the condition that a landscaping plan would be submitted and approved.

Dan Smith – Yes, with the constraints from CAFRA, and the uniqueness of this lot he commends them for only needing minimal variances, no negative impact on the neighborhood.

Greg Maiuro – Yes, two hardships were proven, CAFRA and the uniqueness of the lot.

Ken Cutugno – Yes, they were pressed due to the bulkhead problems and due to the neighbors liking this.

Clyde Yost- Yes, they had hardship parameters to work around.

Lorraine Sallata – Yes, usually on new homes I vote no, clearly however on this application the hardships are there and the requested variances are minimal, loves the design and it will be an asset to the neighborhood.

Jim Reynolds – Yes, the property is unique, it was difficult to satisfy the code.

Therefore, by a vote of 6 in favor 0 opposed the motion is granted.

Being no further business the meeting was adjourned.

Respectfully submitted,

Helen M. Lazar
Board Administrator

