

**APPLICATION FOR ACTION BY PLANNING BOARD**

**MARGATE, NEW JERSEY**

PLEASE  
TYPE OR  
PRINT

**1. Date of Application:** February 23, 2024

**2. Zoning District:**

S-60	Single Family Residential	<input type="checkbox"/>	MF	Multi-Family Residential	<input type="checkbox"/>
S-60-WF	Single-Family Residential	<input type="checkbox"/>	CBD	Central Business District	<input type="checkbox"/>
S-50	Single Family Residential	<input type="checkbox"/>	C-1	Commercial	<input type="checkbox"/>
S-40	Single Family Residential	<input type="checkbox"/>	C-2	Commercial/Business	<input type="checkbox"/>
S-40-WF	Single-Family Residential	<input type="checkbox"/>	WSD	Waterfront Special District	<input type="checkbox"/>
S-30	Single Family Residential	<input checked="" type="checkbox"/>	R	Riparian	<input type="checkbox"/>
S-25	Single Family Residential	<input type="checkbox"/>	WAPC	Washington Avenue Pedestrian Corr.	<input type="checkbox"/>
S-25 (HD)	Historic Single Family Residential	<input type="checkbox"/>	WSPA	Government and Open Space	<input type="checkbox"/>
TF	Two-Family Residential	<input type="checkbox"/>	I	Institutional Use	<input type="checkbox"/>
B	Beach	<input type="checkbox"/>			

**3. Subject Parcel:**

Street Address(es) 109 S. Argyle Avenue, Margate City, NJ 08402

Block Number 1.02 Lot No(s) 6

Total Area (in square feet) 4,687.5 SF

Frontage: 75'

Depth: 62.5'

**4. Information about the Applicant:**

Full name(s) 109 S. Argyle, LLC

If Business Entity, Names of Officers or Principals (Submit disclosure statement if appropriate)  
Seth Lehr

Local Residence Address 109 S. Argyle Ave., Margate City, NJ Zip 08402

Other Residence Address 130 S. 18th St., Apt. 1504, Philadelphia, PA Zip 19103

Business Address \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number(s) (include area code); \_\_\_\_\_

Email Address slehr@llrpartners.com

Business 215-717-2939 Fax \_\_\_\_\_ Cell Phone 212-219-4507

**5. Interest in Subject Property:**

(Supply copies of relevant documents with this Application):

- By lease dated \_\_\_\_\_
- By Agreement of Sale dated \_\_\_\_\_
- By Ownership of property since October 27, 2021 (Deed Attached)

\_\_\_ By other interest in law (describe):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**6. If you do not own the Subject Property, provide the following regarding the Owner:**

Name(s) \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone No. (include area code);  
 Res. \_\_\_\_\_  
 Bus. \_\_\_\_\_  
 Fax \_\_\_\_\_  
 Cell \_\_\_\_\_

**7. Type of Application Applied For (check all applicable):**

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> C Variance(s) | <input type="checkbox"/> Minor Subdivision      | <input type="checkbox"/> Interpretation (B Variance) |
| <input type="checkbox"/> D Variance(s)            | <input type="checkbox"/> Major Subdivision      | <input type="checkbox"/> Other (Explain)             |
| <input type="checkbox"/> Minor Site Plan Action   | <input type="checkbox"/> Conditional Use Permit | _____  |
| <input type="checkbox"/> Major Site Plan Action   | <input type="checkbox"/> Appeal (A)             | _____  |

**8. Application Made To:**  X  Planning Board  \_\_\_  Other

**9. Professionals Representing the Applicant:** (Check applicable professional and provide information)

\_\_\_ Attorney: Name Stephen Hankin, Esquire Phone 609-344-5161  
 Address 30 South New York Avenue, Atlantic City, New Jersey 08401  
 Fax 609-344-7913 Cell 609-703-5201 Email stephenh@hankinsandman.com

\_\_\_ Architect: Name John Obelenus - Obelenus Architecture Phone (856)794-2066  
 Address 102 S 8th Street, Vineland, NJ 08360  
 Fax \_\_\_\_\_ Cell \_\_\_\_\_ Email obelenusarchllc@comcast.net

\_\_\_ Engineer: Name Arthur Ponzio, CO. Phone 609-344-8194  
 Address 400 Dover Avenue, Atlantic City, New Jersey 08401  
 Fax 609-344-1594 Cell \_\_\_\_\_ Email aponzio@aponzio.com

\_\_\_ Preparer of Subdivision or Site Plan (if different from above)  
 Name Arthur W. Ponzio Phone 609-344-8194  
 Address 400 Dover Avenue, Atlantic City, New Jersey 08401  
 Fax 609-344-1594 Cell \_\_\_\_\_

*(Be sure to include all area codes and zip codes in the above)*

**10. If Site Plan Action is Required:**

-What is the present use of the site and building(s)?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

-How will this be changed?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**11. If Subdivision Action is Required:**

-After conferring with the City Tax Assessor, provide lot numbers of new lot(s), dimensions, and area of each: (use extra pages, if necessary)

Lot No(s)	Dimension(s)	Area(s)
_____	_____ x _____	_____ S.F.
_____	_____ x _____	_____ S.F.
_____	_____ x _____	_____ S.F.

-Purpose of the Subdivision

To sell lot(s)

To build and sell homes (or other buildings)

Other (please explain): \_\_\_\_\_

**12. If Variances are Required:**

(Note: Properly scaled site plan must show all dimensions relevant to variance analysis)

-Current use of lot(s) and building(s): Single family beachfront home

-Proposed use: Single family beachfront home.

-If a "D" or "Use" Variance is required, please explain: N/A

-Regarding any dimensional variances required, please fill out the following chart:

Variance	Requirement of District	Present Condition	Proposed Condition
Deck	BFE + 1.67 FT	11.00 FT (88)	16.29 FT (88)
Building Height	30 FT ABOVE BFE + 4 (44)	40.10 FT (88)	45.65 FT
Side Yard Setback	37% (22 Max) / 10 FT	9.41 FT / 11.92 FT (ENC/C)	9.41 FT / 11.92 FT
Rear Yard Setback	20% Lot Depth	5.12 FT	5.12 FT
Front Yard Landscaping	60%	28.4%	40%
Total Lanscaping	35%	18.2%	20%

**13. Prior Action:** Please detail any prior hearing and/or decision relevant to this application. Supply date, name of Board, and results. (IF YOU ARE NOT SURE PLEASE CHECK WITH EITHER BOARD ADMINISTRATOR.) If no prior action, write "none".

City of Margate City Staff Committee Action - Planning Board - reviewed and considered at the Staff Committee meeting of Friday, January 5, 2024.

**14. County and Other Agency Actions** (Provide necessary dates and decisions):

**Site Plan:**

\_\_\_\_\_

**Subdivision:**

\_\_\_\_\_

**Other:**

\_\_\_\_\_

**15. Space for Narrative:** In this space you must provide a general narrative description of what is being proposed, as well as any information not otherwise set forth above which may be relevant to the application, including justifications, clarifications and extenuating circumstances. FAILURE TO PROPERLY COMPLETE THIS SPACE WILL CONSTITUTE AN INCOMPLETE APPLICATION.

Please see attached narrative.

**16. Signature of Applicant(s):**

\_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

**17. This space for Board Administrator:**

-Staff Committee action took place  
\_\_\_\_\_ and case assigned to  
the Planning Board for \_\_\_\_\_ or

-This application received by the  
Planning Board Administrator on  
\_\_\_\_\_

By: \_\_\_\_\_

**18. Notarized Statement by Applicant:**

State of New Jersey } ss.

County of Atlantic }

\_\_\_\_\_, being duly  
sworn according to law, deposes and says, that  
the statements contained in the above application  
and the statements contained in the papers  
submitted herewith are true.

Sworn to and subscribed before me this \_\_\_\_\_  
day of \_\_\_\_\_.

\_\_\_\_\_



## **BACKGROUND**

This variance application by longtime Margate residents, Mr. and Mrs. Lehr, is solely motivated by the fear of and protection against floods, both in terms of human safety and property damage. If granted, **the Application will not result in a single additional square footage of occupiable space.**

The Plan proposes elevating the home 5.5 feet **in its present configuration, without any exterior additions**, and the Lehrs' payment for a new, higher bulkhead, including at the Argyle Avenue street-end, even though the bulkhead is on City property and thus is the City's obligation to replace when and as necessary.

## **THE BULKHEAD**

The proposed reconstruction and elevation of the bulkhead does not require a variance as approval is within the province of the Governing Body. Nonetheless, the Lehrs request the Planning Board recommend approval to the City Fathers. Presently the bulkhead is 11.02 feet (88), is required to be at 13 feet (88) and is proposed to be at elevation at 15 feet (88). Reconstruction will be in accord with the City Engineer's specifications.

## **THE REQUIRED VARIANCES**

1. **THE DECK.** The deck is presently conforming at elevation 11' (88) and is proposed to be at an elevation of 16.29'(88)— several inches lower than the proposed new first floor elevation— to keep rainwater from intruding.

2. **BUILDING HEIGHT.** Height presently at 40.10 feet and is proposed to be 45.65 feet.

**NOTES:** (i) **This will not result in any additional living or usable space.**

(ii) Without any variance, that is, by right, the height of the home could be raised 2.8'. Thus, the Lehrs are only requiring an additional height of another 2.7' for a total of 5.5 feet.

3. **SIDE YARD SETBACK.** While the existing side yard setbacks of 9.41' (existing non-conforming condition) and 11.92' (conforming) are lawful and will not be decreased (no further intrusions into the required minimum setbacks), a variance is required because of and **only** due to the proposed increased vertical projection of the building.

4. **REAR YARD SETBACK.** The present rear yard setback of 5.12' is an existing non-conforming condition. The **only** reason a variance is required is also due to the newly requested (vertical) elevation of the building.

5. **FRONT YARD LANDSCAPING.**

**NOTE:** The minimum requirement is 60%. While the existing non-conforming condition is 28.4% and the Plan proposes an increase in coverage to 40%, a variance may still be required due to the proposed elevation of the home.

6. **TOTAL LANDSCAPING.** The minimum requirement is 35%. The Plan proposes slightly less than the existing 20% coverage or 18.2%.

## **BENEFITS OF THE APPLICATION**

1. Front yard landscaping will be increased 12.6%.
2. The existing conforming 15.60' front yard setback will remain.
3. The size of the lot exceeds the 3000 square foot minimum by 1687.5 square feet.
4. The Lehrs have agreed to shoulder the expense of a new bulkhead not only in front of their own home but along the entire end of Delavan Avenue.
5. There will be no negative impacts (light, air and views) upon adjoining residences.
6. The increased height of the bulkhead and home will satisfy the positive and negative criteria of the Municipal Land Use Law in that it will:
  - (i) Secure safety from flood under N.J.S.A. 40:55D-2b;
  - (ii) Promote a desirable visual environment through creative development techniques and good civic design and arrangement; and
  - (iii) The City's flood rating will benefit thereby aiding in the very likely reduction of flood insurance rates.

Respectfully submitted,

*/s/ Stephen Hankin*

Stephen Hankin, Esquire





INST # 2022005605  
 RECD 02/14/2022 VOL 15170  
 RCPT # 1645343 RECD BY MK (8 PGS)  
 CON \$1.00 RTF \$0.00  
 JOSEPH J. GIRALDO, COUNTY CLERK  
 ATLANTIC COUNTY, NJ



## Atlantic County Document Summary Sheet

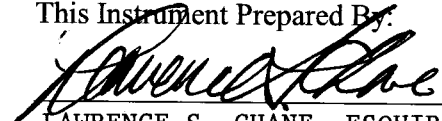
ATLANTIC COUNTY CLERK  
 5901 MAIN ST  
 MAYS LANDING, NJ 08330

**Return Name and Address**  
 Sheldon Bender  
 Blank Rome LLP  
 One Logan Square - Third Floor  
 Philadelphia, PA 19103-6998

Official Use Only

<b>Submitting Company</b>		Blank Rome LLP			
<b>Document Date (mm/dd/yyyy)</b>		10/27/2021			
<b>Document Type</b>		DEED <input type="checkbox"/>			
<b>No. of Pages of the Original Signed Document (Including the cover sheet)</b>		8			
<b>Consideration Amount (If applicable)</b>					
<b>First Party</b> <i>(Grantor or Mortgagor or Assignor)</i> <i>(Enter up to five names)</i>	<b>Name(s)</b> <i>(Last Name, First Name Middle Initial, Suffix)</i> <i>(or Company Name as written)</i>	<b>Address (Optional)</b>			
	The Lehr 2012 Margate Trust				
<b>Second Party</b> <i>(Grantee or Mortgagee or Assignee)</i> <i>(Enter up to five names)</i>	<b>Name(s)</b> <i>(Last Name, First Name Middle Initial, Suffix)</i> <i>(or Company Name as written)</i>	<b>Address (Optional)</b>			
	109 S Argyle LLC				
<b>Parcel Information</b> <i>(Enter up to three entries)</i>	<b>Municipality</b>	<b>Block</b>	<b>Lot</b>	<b>Qualifier</b>	<b>Property Address</b>
	Margate <input checked="" type="checkbox"/>	1.02	6		109 S. Argyle Margate, NJ
<b>Reference Information</b> <i>(Enter up to three entries)</i>	<b>Book Type</b>	<b>Book</b>	<b>Beginning Page</b>	<b>Instrument No.</b>	<b>Recorded/File Date</b>
*DO NOT REMOVE THIS PAGE*					
DOCUMENT SUMMARY SHEET (COVER SHEET) IS PART OF ATLANTIC COUNTY FILING RECORD. RETAIN THIS PAGE FOR FUTURE REFERENCE.					

This Instrument Prepared By:

  
LAWRENCE S. CHANE, ESQUIRE

Blank Rome LLP  
One Logan Square  
Third Floor  
Philadelphia, PA 19103-6998

**DEED**

This Deed is made on October 27, <sup>2021</sup>2012,

**BETWEEN** THE LEHR 2012 MARGATE TRUST, whose address is c/o 130 S. 18<sup>th</sup> Street, Apt. 1504, Philadelphia, Pennsylvania 19103, referred to as Grantor,

**AND** 109 S ARGYLE LLC, a New Jersey limited liability company, whose address is c/o 130 S. 18<sup>th</sup> Street, Apt. 1504, Philadelphia, Pennsylvania 19103, referred to as Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and Grantees listed above.

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of ONE DOLLAR (\$1.00). The Grantor acknowledges receipt of this money.

**Tax Map Reference.** (N.J.S.A. 46:15-1.1) City of Margate City  
Block No. 1.02, Lot No. 6 Account No.

No property tax identification number is available on the date of this Deed.  
(Check box if applicable.)

**Property.** The property consists of the land and all the buildings and structures on the land in the City of Margate City, County of Atlantic and State of New Jersey. The legal description is:

**ALL THAT CERTAIN** lot or parcel of ground, together with the buildings and improvements thereon erected Situate in the City of Margate City, County of Atlantic and State of New Jersey, bounded and described as follows:

**BEGINNING** in the Easterly line of Argyle Avenue 225 feet southwardly of Atlantic Avenue; thence

- (1) Eastwardly parallel with Atlantic Avenue 62.5 feet; thence
- (2) Southwardly parallel with Argyle Avenue 75 feet; thence
- (3) Westwardly parallel with Atlantic Avenue 62.5 feet to the easterly line of Argyle Avenue; thence
- (4) Northwardly along same 75 feet to the place of BEGINNING.

**BEING** Block No. 1.02, Lot No. 6 on the Tax Map of Margate City.

**BEING** the same premises which Ellyn G. Lehr, by Deed dated November 6, 2012 and recorded in the Atlantic County Clerk's Office on November 27, 2012 as Instrument No. 2012069675, granted and conveyed unto The Lehr 2012 Margate Trust, in fee.

**Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

**Signatures.** The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

The Lehr 2012 Margate Trust

  
\_\_\_\_\_

By:   
\_\_\_\_\_

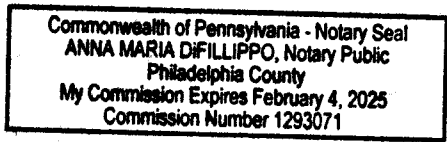
Name: Seth J. Lehr Seth J. Lehr  
Title: Trustee

  
\_\_\_\_\_

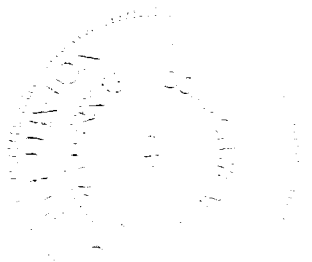
STATE OF PA  
COUNTY OF Philadelphia:SS

I CERTIFY that on October 27, 2021 Peter J. Lehr, personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) is the Trustee of The Lehr 2012 Margate Trust which was the maker of the attached deed;
  - (b) executed this deed as the Trustee of The Lehr 2012 Margate Trust; and
  - (c) made this Deed for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title.
- (Such consideration is defined in N.J.S.A. 46:15-5.)



Anna DiFillippo  
Signature  
Printed Name: Anna DiFillippo  
Title: Notary Public



**DEED**

THE LEHR 2012 MARGATE TRUST, Grantor

**TO**

109 S ARGYLE LLC, a New Jersey limited liability company, Grantee

Record and return to:

Lawrence S. Chane, Esquire  
One Logan Square  
Third Floor  
18th and Cherry Streets  
Philadelphia, PA 19103-6998

Dated: *October 27*, 2012

AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY PENNSYLVANIA

COUNTY OF PHILADELPHIA

SS. County Municipal Code 0116

FOR RECORDER'S USE ONLY
Consideration \$
RTF paid by seller \$
Date By

MUNICIPALITY OF PROPERTY LOCATION Margate City

\*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (Instructions #3 and #4 on reverse side)

Deponent, Seth J. Lehr, being duly sworn according to law upon his/her oath, deposes and says that he/she is the Trustee of Grantor in a deed dated October 27, 2021 transferring real property identified as Block number 1.02 Lot number 6 located at 109 S. Argyle, Margate City, Atlantic County and annexed thereto.

(2) CONSIDERATION \$ 1.00 (Instructions #1 and #5 on reverse side) [X] no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS: (Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation

\$ + % = \$

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

8(a) Transfer for a consideration of less than \$100.00.

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) 62 years of age or over.
B. BLIND PERSON Grantor(s) legally blind or;
DISABLED PERSON Grantor(s) permanently and totally disabled receiving disability payments not gainfully employed
Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:
Owned and occupied by grantor(s) at time of sale. Resident of State of New Jersey.
One or two-family residential premises. Owners as joint tenants must all qualify.

\*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- Affordable according to H.U.D. standards. Reserved for occupancy.
Meets income requirements of region. Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10, #12 on reverse side)

- Entirely new improvement. Not previously occupied.
Not previously used for any purpose. "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)

- No prior mortgage assumed or to which property is subject at time of sale.
No contributions to capital by either grantor or grantee legal entity.
No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 27 day of October, 2021

Signature of Deponent: The Lehr 2012 Margate Trust
130 S. 18th Street, #1504,\*
Deponent Address: 130 S. 18th Street, #1504,\*
Grantor Address at Time of Sale
xxx-xx- 5281
Last three digits in Grantor's Social Security Number: Company of Settlement Officer

NOTARY PUBLIC
Commonwealth of Pennsylvania Notary Seal
ANNA MARIA DiFILLIPPO, Notary Public
Philadelphia County
My Commission Expires February 4, 2025
Commission Number 1293071
Philadelphia, PA 19103

FOR OFFICIAL USE ONLY
Instrument Number County
Deed Number Book Page
Deed Dated Date Recorded

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to: STATE OF NEW JERSEY
PO BOX 251
TRENTON, NJ 08695-0251
ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and it may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division's website at: www.state.nj.us/treasury/taxation/pt/localtax.shtml.

**State of New Jersey  
Seller's Residency Certification/Exemption**

**Seller's Information**

Name(s)  
**The Lehr 2012 Margate Trust**

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Current Street Address  
**c/o 130 S. 18th Street, #1504**

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City, Town, Post Office <b>Philadelphia</b>	State <b>PA</b>	ZIP Code <b>19103</b>
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**Property Information**

Block(s) <b>1.02</b>	Lot(s) <b>6</b>	Qualifier
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Street Address  
**109 S. Argyle**

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City, Town, Post Office <b>Margate</b>	State <b>NJ</b>	ZIP Code <b>08402</b>
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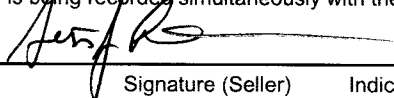
Seller's Percentage of Ownership <b>100</b>	Total Consideration <b>1.00</b>	Owner's Share of Consideration <b>1.00</b>	Closing Date <b>10/27/2021</b>
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**Seller's Assurances (Check the Appropriate Box) (Boxes 2 through 16 apply to Residents and Nonresidents)**

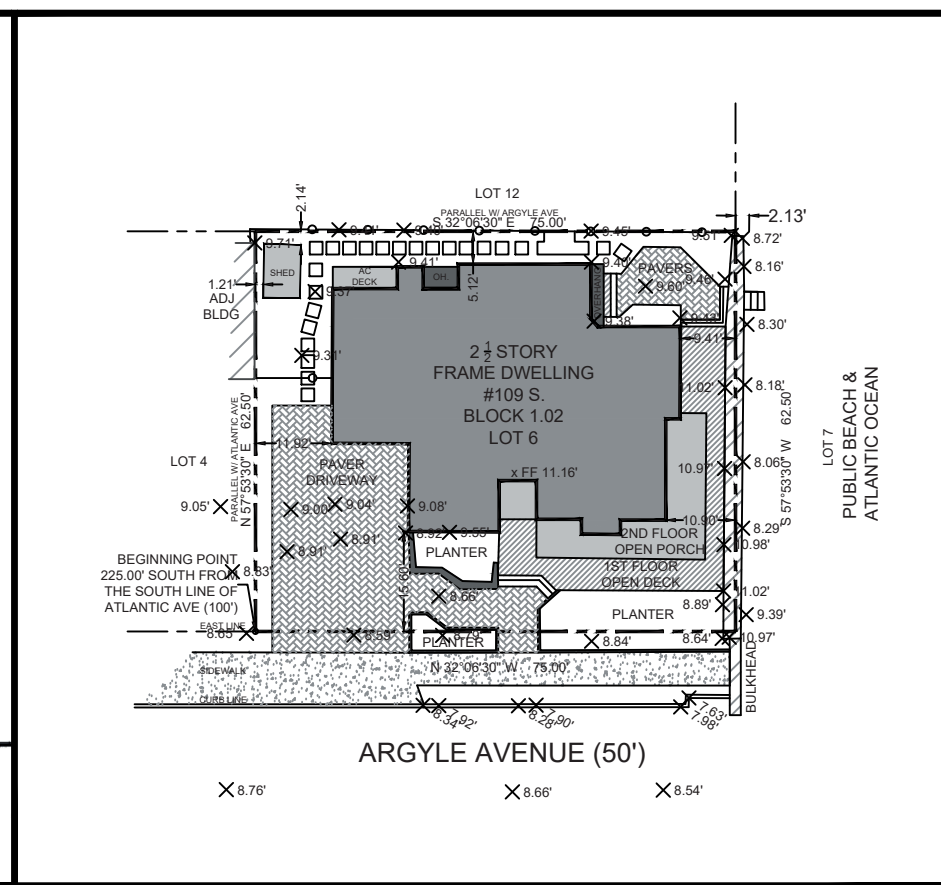
1.  Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident Gross Income Tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2.  The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3.  Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4.  Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5.  Seller is not an individual, estate, or trust and is not required to make an estimated Gross Income Tax payment.
6.  The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated Income Tax payment.
7.  The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey Income Tax return for the year of the sale and report the recognized gain.  
 Seller did not receive non-like kind property.
8.  The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9.  The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10.  The deed is dated prior to August 1, 2004, and was not previously recorded.
11.  The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12.  The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13.  The property transferred is a cemetery plot.
14.  The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.
15.  The seller is a retirement trust that received an acknowledgment letter from the Internal Revenue Service that the seller is a retirement trust, and is therefore not required to make the estimated Gross Income Tax payment.
16.  The seller (and/or spouse/civil union partner) originally purchased the property while a resident of New Jersey as a member of the U.S. Armed Forces and is now selling the property as a result of being deployed on active duty outside of New Jersey. (Only check this box if applicable and neither boxes 1 nor 2 apply.)

**Seller's Declaration**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box  I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

<u>10/27/21</u> Date	 Signature (Seller)	<input type="checkbox"/> Indicate if Power of Attorney or Attorney in Fact
 Date	 Signature (Seller)	 Indicate if Power of Attorney or Attorney in Fact

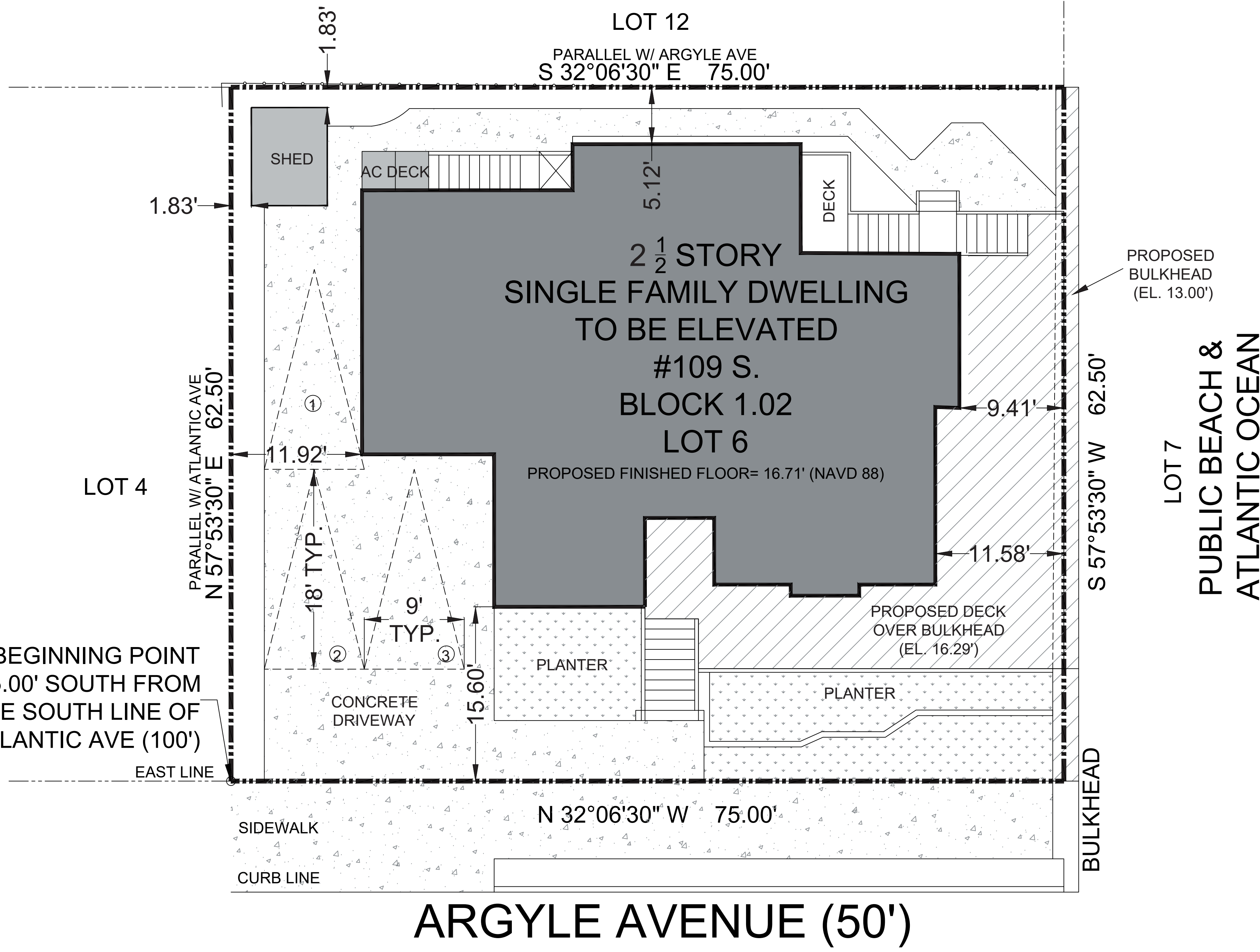
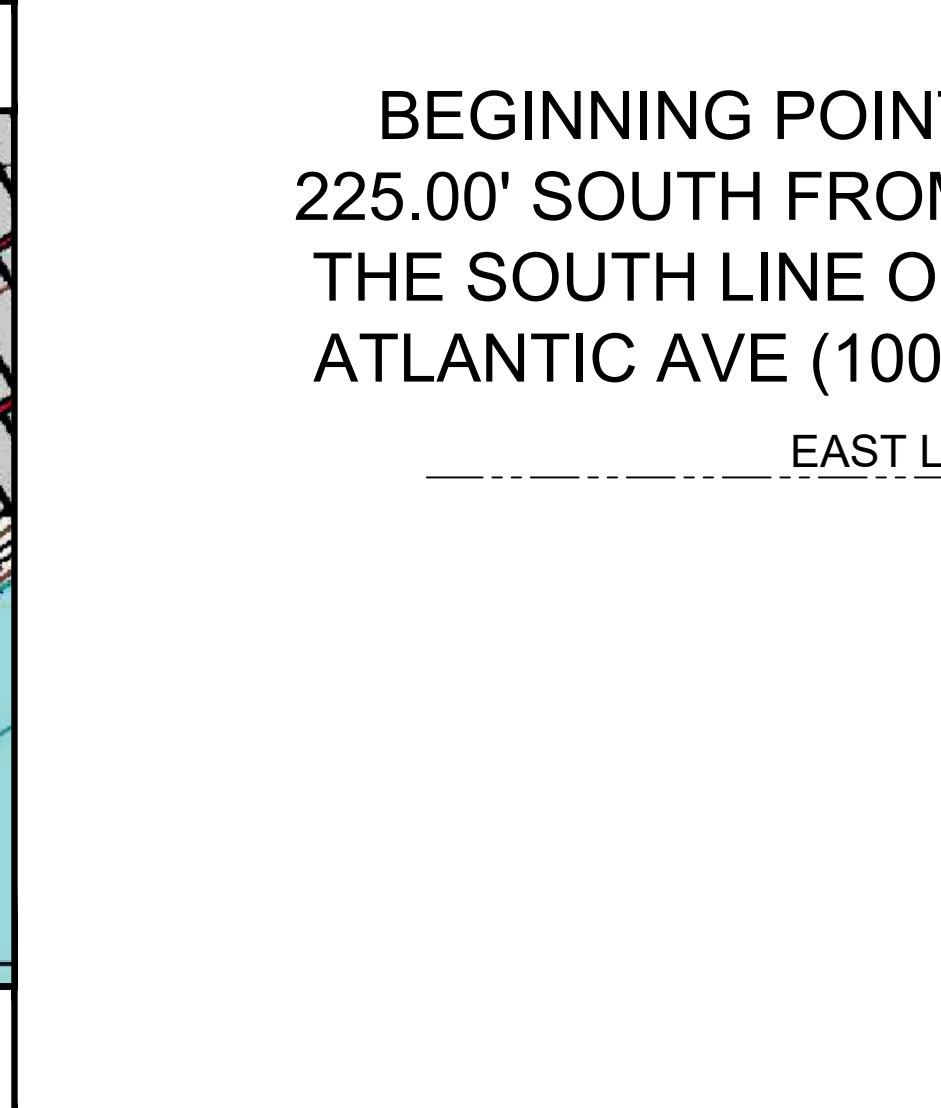
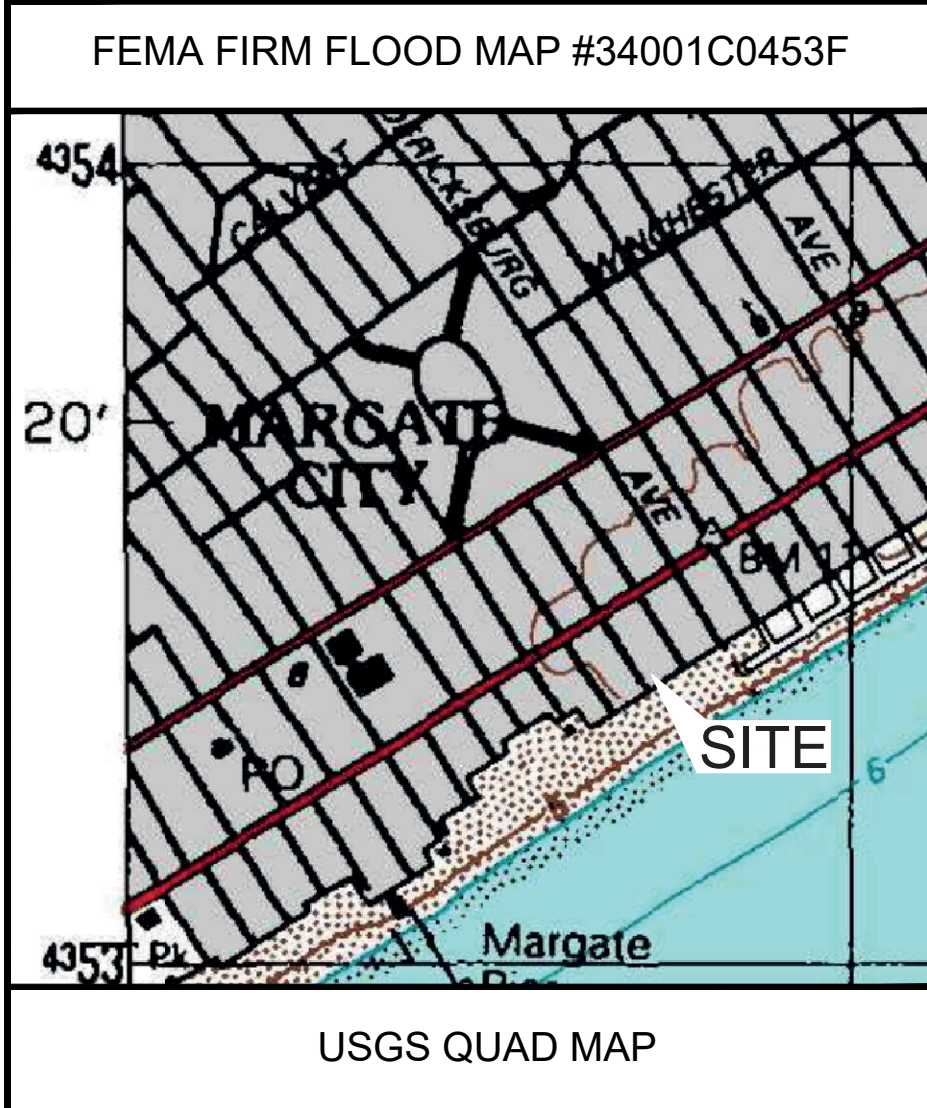
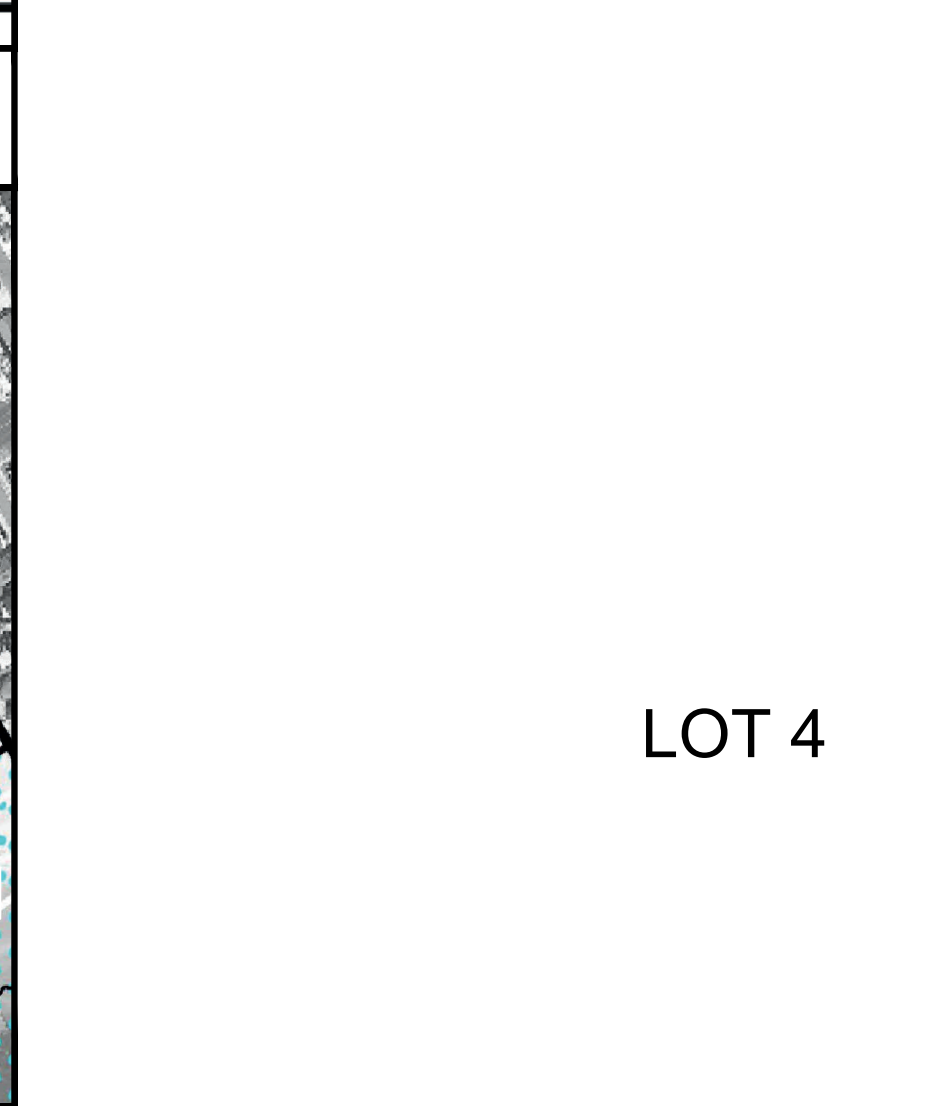
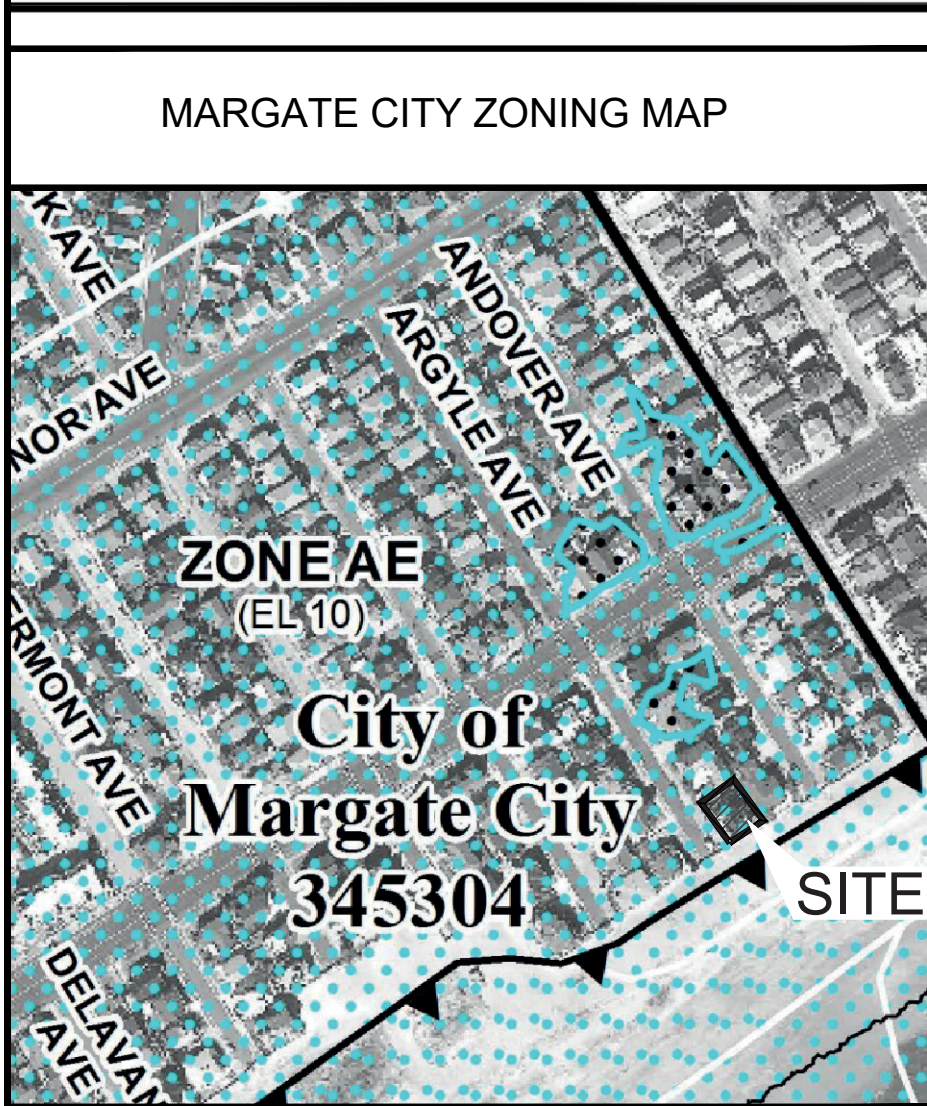
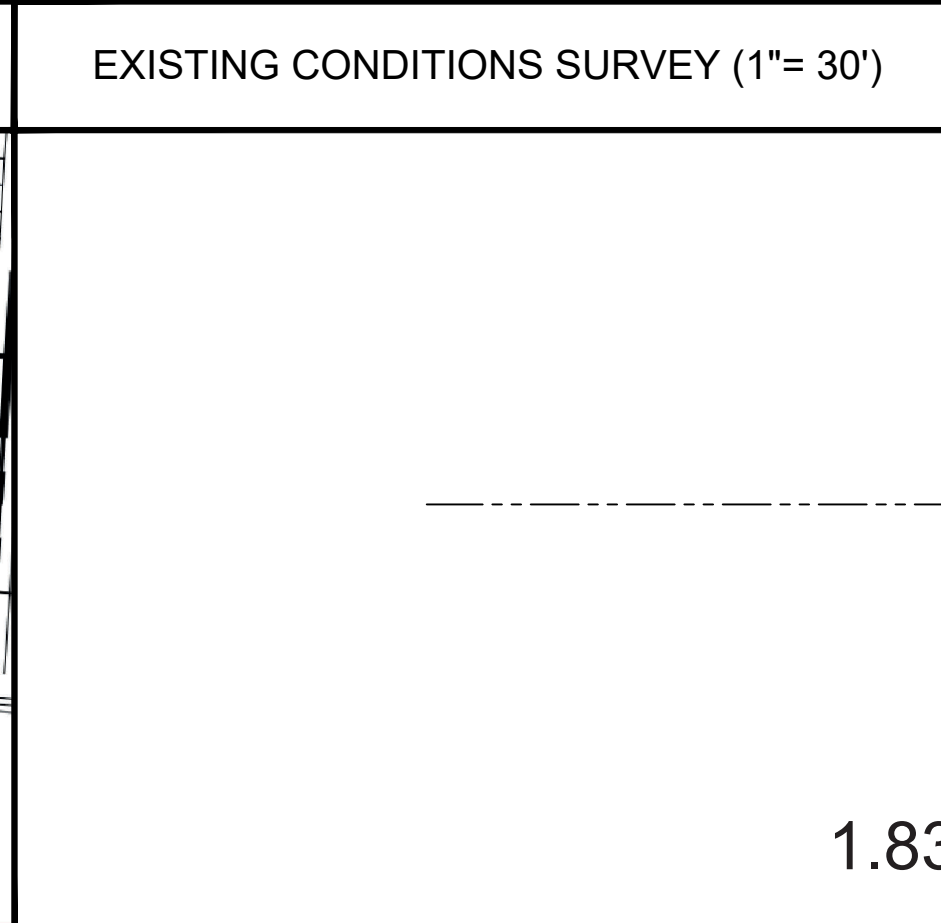
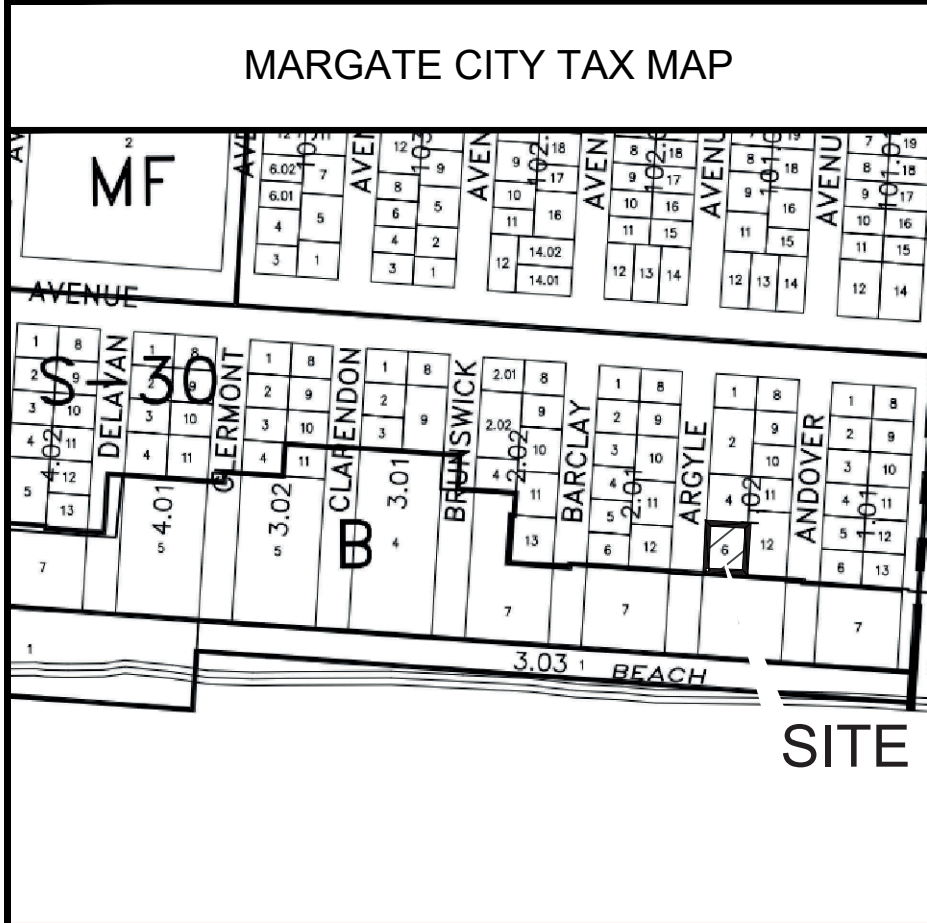
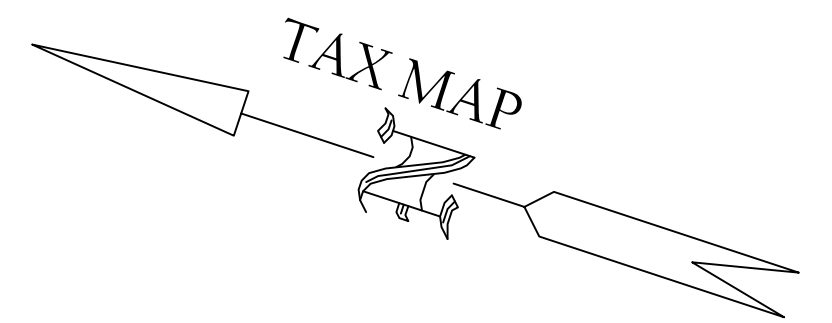




**ZONING SCHEDULE (S-30 DISTRICT)**

ITEM	REQUIRED	EXISTING	STATUS	PROPOSED	STATUS
LOT AREA	3,000 SF	4,687.5 SF	C	4,687.5 SF	C
LOT WIDTH	40 FT	75 FT	C	75 FT	C
LOT DEPTH	N/A	62.5 FT	C	62.5 FT	C
<b>PRINCIPAL SETBACKS</b>					
FRONT YARD	AVG. SETBACK	15.60 FT	C	15.60 FT	C
SIDE YARD	37% (22 MAX.) / 10 FT	9.41' / 11.92 FT	ENC/C	9.41' / 11.92 FT	V
REAR YARD	20% LOT DEPTH	5.12 FT	ENC	5.12 FT	V
PARKING SPACES	2 SPACES	2 SPACES	C	3 SPACES	C
<b>COVERAGE</b>					
BUILDING	31.56%	37.3%	ENC	37.3%	ENC
FRONTYARD LANDSCAPE	60%	28.4%	ENC	40%	V
TOTAL LANDSCAPE	35%	20.0%	ENC	18.2%	V
BUILDING HEIGHT	30 FT ABV BFE +4(44)	40.10 FT (88)	C	45.65 FT	V
BULKHEAD	13.00 FT (88)	11.02 FT (88)	C	15.00 FT (88)	C
DECK	BFE + 1.67 FT	11.00 FT (88)	C	16.29 FT (88)	V

LEGEND:  
 C - CONFORMING  
 V - VARIANCE  
 ENC - EXISTING NON-CONFORMING  
 N/A - NOT APPLICABLE



1. APPLICANT:  
 SETH LEHR  
 130 S. 18TH STREET  
 PHILADELPHIA, PENNSYLVANIA 19103
2. PROPERTY INFORMATION:  
 109 S ARGYLE AVENUE  
 MARGATE CITY, NEW JERSEY 08402  
 BLOCK 1.02 LOT 6
3. DEEDED AREA = 4,687.5 SF  
 ZONING = S- 30 DISTRICT  
 EXISTING USE = 2 1/2 STORY SINGLE FAMILY DWELLING  
 FEMA FLOOD ZONE: AE(10')
4. PROPERTY SURVEY  
 ALL INFORMATION SHOWN ON THIS PLAN ACQUIRED  
 FROM A PHYSICAL FIELD SURVEY BY ARTHUR PONZIO  
 CO.
5. INTENT OF APPLICANT:  
 THE APPLICANT SEEKS AUTHORIZATION TO LIFT  
 THE EXISTING DWELLING AND OTHER ANCILLARY  
 SITE IMPROVEMENTS.

APPROVALS:

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

BOARD CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_

BOARD SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_

MUNICIPAL CLERK \_\_\_\_\_ DATE \_\_\_\_\_

BOARD ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

REVISIONS

NO.	DATE	BY	DESCRIPTION

REVISIONS

NO.	DATE	BY	DESCRIPTION

**ARCO** ARTHUR PONZIO CO.  
 ENGINEERS & SURVEYORS  
 PLANNERS

400 NORTH DOVER AVENUE, ATLANTIC CITY, N.J. 08401  
 PHONE: 609-344-8194 FAX: 609-344-1594  
 NEW JERSEY STATE AUTH. NO.: 24GA28001300

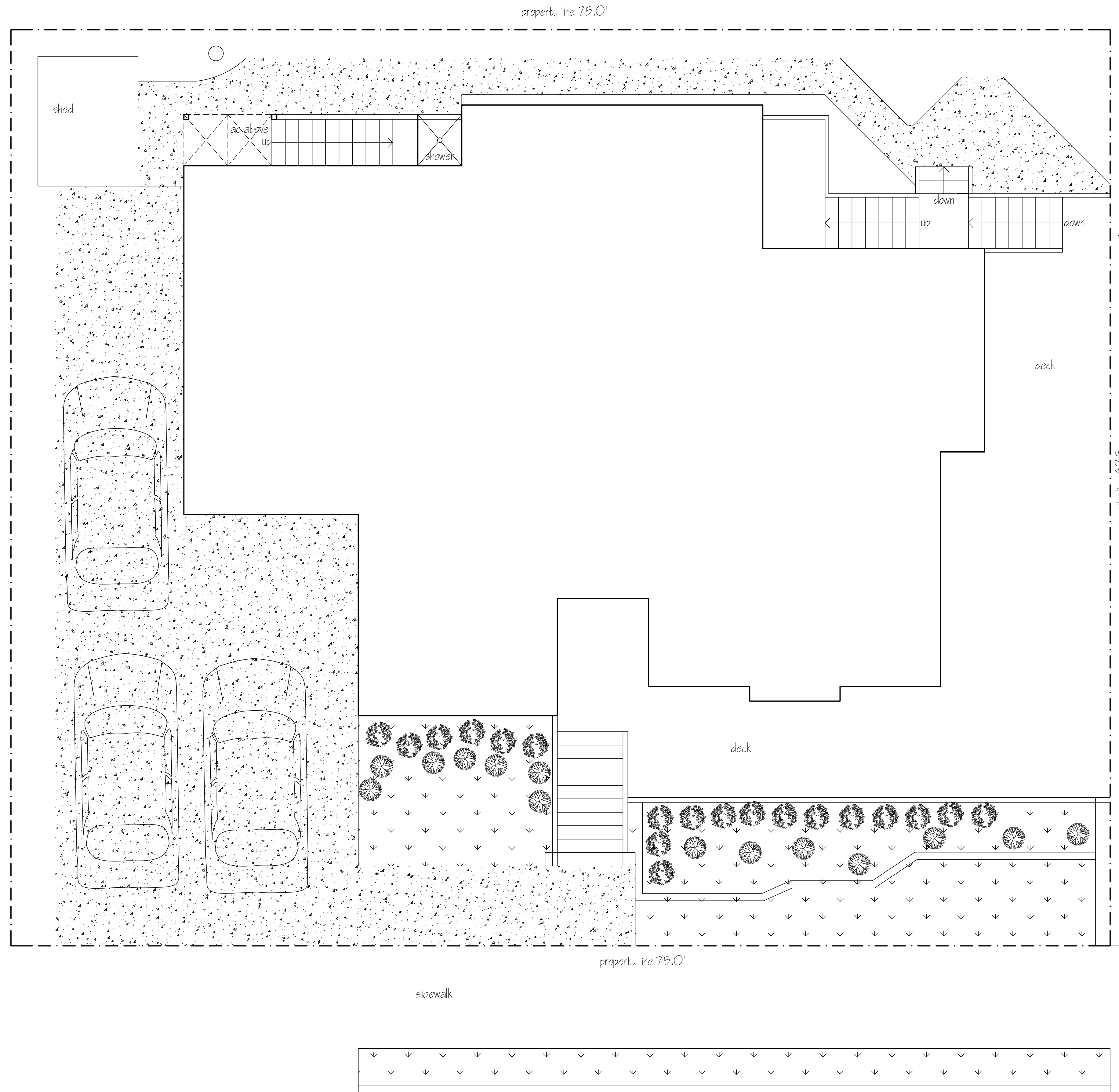
*Arthur W. Ponzio, Jr.*  
**ARTHUR W. PONZIO, JR.**  
 PROFESSIONAL PLANNER N.J. NO. 33LI00267600  
 PROFESSIONAL LAND SURVEYOR N.J. NO. 24GS02831400

VARIANCE PLAN  
 BLOCK 1.02 LOT 6  
 MARGATE CITY ATLANTIC COUNTY NEW JERSEY

SCALE: 1" = 6'  
 DATE: 12/01/2023

BY: WER  
 PROJ. NO.: 40521

# 5.5' version



**OBELENUS ARCHITECTURE LLC**  
 New Jersey License 11576  
 New York License 16151  
 Delaware License 07200  
 Florida License Pending  
*John Obelenus*  
 John Obelenus  
 Architect

102 South Eighth Street  
 Vineland, New Jersey 08360  
 609 501 4044  
 obelenusarchllc@comcast.net

**Lehr**  
**House Lift**  
 109 S. Argyle Avenue  
 Margate, New Jersey  
 Block 1.02 Lot 6

REVISIONS	
DATE:	COMMENT:

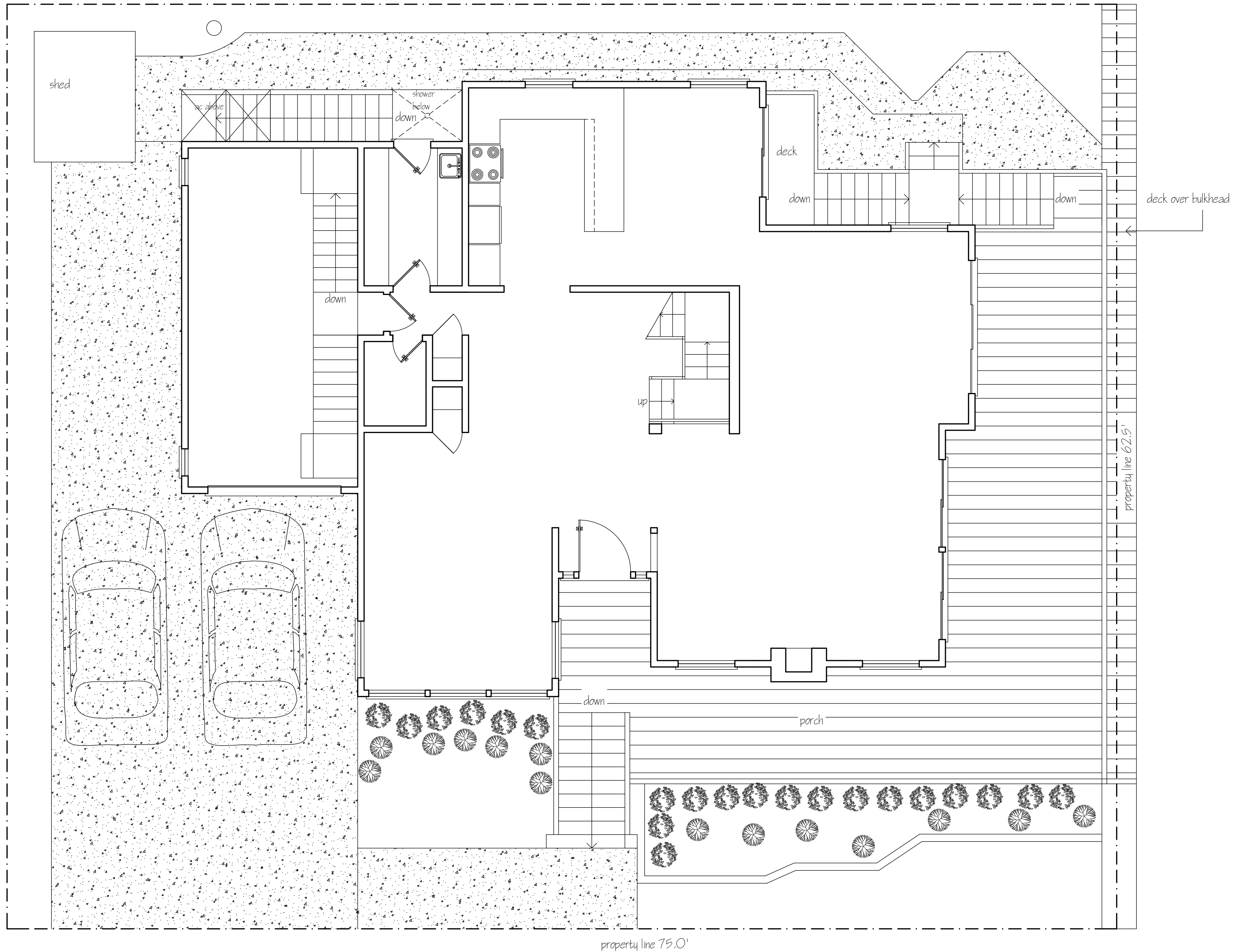
SHEET NUMBER:

# A1

DRAWN BY:  
 CHECKED BY:  
 BLOCK: LOT:  
 SCALE:  
 DATE: 30 August 2023  
 PROJECT NUMBER:

Arqule Avenue

**1** Site Location Plan  
 Scale: 1/4" = 1'-0"



**1** First Floor Plan  
 Scale: 1/4" = 1'-0"



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*John Obelenus*  
 John Obelenus  
 Architect

102 South Eighth Street  
 Vineland, New Jersey 08360  
 609 501 4044  
 obelenusarchllc@comcast.net

**Lehr  
 House Lift  
 109 S. Argyle Avenue  
 Margate, New Jersey  
 Block 1.02 Lot 6**

REVISIONS	
DATE:	COMMENT:

SHEET NUMBER:

**A2**

DRAWN BY:  
 CHECKED BY:  
 BLOCK: LOT:  
 SCALE:  
 DATE: 30 August 2023  
 PROJECT NUMBER:



proposed new deck: 16.29'

proposed new bulkhead 15.0' NAVD88

top of existing bulkhead/ deck 11.02' NAVD88

top of dune 12.38'

0.00'

**1** Argyle Elevation  
Scale: 1/4" = 1'-0"



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*John Obelenus*  
John Obelenus  
Architect

102 South Eighth Street  
Vineland, New Jersey 08360  
609 501 4044  
obelenusarchllc@comcast.net

**Lehr  
House Lift**  
109 S. Argyle Avenue  
Margate, New Jersey  
Block 1.02 Lot 6

REVISIONS

DATE:	COMMENT:

SHEET NUMBER:

**A3**

DRAWN BY:

CHECKED BY:

BLOCK: LOT:

SCALE:

DATE: 30 August 2023

PROJECT NUMBER:

5'-6"  
 proposed first floor 16.71' NAVD88  
 Proposed new bulkhead: 15' NAVD88  
 BFE 10' + 3' = 13'  
 existing first floor 11.21' NAVD88  
 BFE 10'  
 finish grade 8.67'

0.00'



**1** Beach Elevation  
 Scale: 1/4" = 1'-0"



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*John Obelenus*  
 John Obelenus  
 Architect

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 Vineland, New Jersey 08360  
 609 501 4044  
 obelenusarchllc@comcast.net

**Lehr**  
**House Lift**  
**109 S. Argyle Avenue**  
**Margate, New Jersey**  
 Block 1.02 Lot 6

REVISIONS	
DATE:	COMMENT:

SHEET NUMBER:

**A4**

DRAWN BY:  
 CHECKED BY:  
 BLOCK: LOT:  
 SCALE:  
 DATE: 30 August 2023  
 PROJECT NUMBER:



① Rear Elevation  
Scale: 1/4" = 1'-0"



① Side Elevation  
Scale: 1/4" = 1'-0"



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*John Obelenus*  
John Obelenus  
Architect

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609 501 4044  
obelenusarchllc@comcast.net

**Lehr  
House Lift**  
109 S. Argyle Avenue  
Margate, New Jersey  
Block 1.02 Lot 6

REVISIONS	
DATE:	COMMENT:

SHEET NUMBER:

**A5**

DRAWN BY:  
CHECKED BY:  
BLOCK: LOT:  
SCALE:  
DATE: 30 August 2023  
PROJECT NUMBER:

## **NOTICE TO PROPERTY OWNERS**

YOU ARE HEREBY NOTIFIED that Applicant 109 S. Argyle, LLC, by and through its undersigned attorney, has applied to the Margate Planning Board for variances from Margate's zoning ordinances governing building height, deck height, side yard setback, rear yard setback, front yard landscaping, total landscaping, and for any and all other variances, waivers, exceptions or other relief that the Planning Board deems required in order to permit the applicant to elevate the existing home 5.5 feet on the property known as Block 1.02, Lot 6 on the Tax Map of the City of Margate, New Jersey, commonly known as 109 S. Argyle Avenue, Margate City, New Jersey 08402. There will be no additions to the exterior of the home.

A public hearing on this Application will be held by the Planning Board on Thursday, March 21, 2024 at 7:00 p.m. in Historic City Hall, located at 1 South Washington Avenue, Margate, New Jersey, 08402. Copies of the Application and all plans pertaining thereto are on file with the Administrator of the Planning Board for review by the public prior to the scheduled hearing.

If you have any objections to the granting of the relief sought, please attend the hearing and you will be heard.

HANKIN SANDMAN PALLADINO WEINTROB & BELL  
Counsellors at Law  
A Professional Corporation  
30 South New York Avenue  
Atlantic City, NJ 08401

By: /s/ Stephen Hankin

STEPHEN HANKIN, ESQUIRE  
Attorney for Applicant



**Office of the Tax Assessor**  
Municipal Building  
9001 Winchester Avenue  
Margate City, NJ 08402  
PHONE: 609-822-1950  
FAX: 609-487-1142

James W. Manghan, CTA  
Tax Assessor

**Stephen Hankin, ESQ**  
**30 S New York Ave**  
**Atlantic City, NJ 08401**

**Block: 1.02 Lot: 6**  
**Location: 109 S Argyle Ave**  
**Date: December 27, 2023**

A handwritten signature in black ink, appearing to read "James W. Manghan", is written over a horizontal line.

**James W. Manghan, CTA**  
**Tax Assessor**

---

Tax list good for 60 days per Margate City Code Book (170-5)

[www.margate-nj.com](http://www.margate-nj.com)



VARIANCE REPORT

Atlantic County

Block Lot Qual	Property Location Additional Lot Additional Lot	Property Class	Owner Address City, State	Zip Code
1.01 2	103 S ANDOVER AVE	2	SWERDLOFF, SHIRLEY 5211 HAWK RIDGE CIRCLE LAFAYETTE HILL, PA	19444
1.01 3	105 S ANDOVER AVE	2	JL-105 LLC PO BOX 7038 NAPLES, FL	34101
1.01 4	107 S ANDOVER AVE	2	KATZ TRUST@ROBERT &KATZ TRUST@SUNNY 107 S ANDOVER AVENUE MARGATE, NJ	08402
1.01 5	109 S ANDOVER AVE	2	GOTTSCHALK, STEVEN & LISA 160 EAST 84TH STREET #17B NEW YORK, NY	10028
1.01 6	111 S ANDOVER AVE	2	SWIFT, ALAN 550 SE 5TH AVENUE #1003S BOCA RATON, FL	33432
1.01 7	PUBLIC BEACH	15C	CITY OF MARGATE 9001 WINCHESTER AVE MARGATE, NJ	08402
1.01 10	104 S FREDERICKSBURG AVE	2	CISTONE, DANIEL A & JOANN M 1471 BUCK HILL DRIVE SOUTHAMPTON, PA	18966
1.01 11	106 S FREDERICKSBURG AVE	2	RUSH, DAVID & SUSAN 10 VILLAGIO COURT CHERRY HILL, NJ	08003
1.01 12	108 S FREDERICKSBURG AVE	2	MEDEROS, DIEGO 9605 VALENCIA COVE BRADENTON, FL	34210
1.01 13	110 S FREDERICKSBURG AVE	2	RUBEN, JEFFREY M & CINDY D 305 W LAURIER PLACE BRYN MAWR, PA	19010
1.02 1	101 S ARGYLE AVE	2	ASTROVE LIVING TRUSTS, D M & D G 7804 MOORLAND LANE BETHESDA, MD	20814
1.02 2	103 S ARGYLE AVE	2	ROSEN TRUST @ SHERYLE S 103 S ARGYLE AVENUE MARGATE, NJ	08402
1.02 4	107 S ARGYLE AVE	2	LEVENSON, LLOYD D & LIANE P 1125 ATLANTIC AVE 3RD FL ATLANTIC CITY, NJ	08401

<u>Block Lot Qual</u>	<u>Property Location Additional Lot Additional Lot</u>	<u>Property Class</u>	<u>Owner Address City, State</u>	<u>Zip Code</u>
1.02 6	109 S ARGYLE AVE	2	109 S ARGYLE LLC 130 S 18TH ST #1504 PHILADELPHIA, PA	19103
1.02 7	PUBLIC BEACH	15C	CITY OF MARGATE 9001 WINCHESTER AVE MARGATE, NJ	08402
1.02 8	100 S ANDOVER AVE	2	WEISER, PAUL J 590 NOTTINGHAM DRIVE YARDLEY, PA	19067
1.02 9	102 S ANDOVER AVE	2	102 S ANDOVER AVENUE LLC 111 MUIRFIELD COURT NEW HOPE, PA	18938
1.02 10	104 S ANDOVER AVE	2	HENDLER, LEWIS & VICKIE 1166 TIMBERGATE DRIVE RYDAL, PA	19046
1.02 11	106 S ANDOVER AVE	2	KLEEMAN, MICHAEL 106 S ANDOVER AVE MARGATE, NJ	08402
1.02 12	110 S ANDOVER AVE	1	FIMSIM CAPITAL GP,LP PO BOX 2357 BALA CYNWYD, PA	19004
2.01 2	103 S BARCLAY AVE	2	DAVITCH, DAVID P & TERRI 103 S BARCLAY AVENUE MARGATE, NJ	08402
2.01 4	107 S BARCLAY AVE	2	FISHMAN, HARRIS & ELLEN 935 PINE VALLEY CIRCLE RYDAL, PA	19046
2.01 5	109 S BARCLAY AVE	2	MILLER, LEE & LYNNE 109 S BARCLAY AVE MARGATE, NJ	08402
2.01 6	111 S BARCLAY AVE	2	ZIMMERMAN TRUST, JAMES E 111 S BARCLAY AVE MARGATE, NJ	08402
2.01 7	PUBLIC BEACH	15C	CITY OF MARGATE 9100 WINCHESTER AVE MARGATE, NJ	08402
2.01 8	100 S ARGYLE AVE	2	SHUBIN, ALLEN & LINDA 100 S ARGYLE AVENUE MARGATE, NJ	08402

<u>Block Lot Qual</u>	<u>Property Location Additional Lot Additional Lot</u>	<u>Property Class</u>	<u>Owner Address City, State</u>	<u>Zip Code</u>
2.01 9	102 S ARGYLE AVE	2	SEIGAL, SCOTT & LORI 14 LONGMEADOW DR NEWTOWN, PA	18940
2.01 10	104 S ARGYLE AVE	2	CHALAL, JEFFREY & DIANE ROSE 149 TIMBER HILL DRIVE MONROE TWSP., NJ	08831
2.01 11	106 S ARGYLE AVE	2	2011 FARBER MARGATE TRUST %FAIRMAN 1200 LIBERTY RIDGE DR#320 WAYNE, PA	19087
2.01 12	108 S ARGYLE AVE	2	COHEN, RONALD A & JEANNE P 305 CYPRESS STREET PHILADELPHIA, PA	19106

UTILITIES TO BE NOTIFIED WITH TAXLIST

ATLANTIC CITY ELECTRIC  
5100 HARDING HIGHWAY, SUITE 399  
MAYS LANDING, NJ 08330

SOUTH JERSEY GAS COMPANY  
VP CONSTRUCTION  
1 SOUTH JERSEY PLAZA, RT. 54  
FOLSOM, NJ 08037

COMCAST CABLE, GREG SMITH, PM  
901 LEEDS AVENUE  
ABSECON, NJ 08201

CITY OF MARGATE  
PUBLIC BEACH  
9001 WINCHESTER AVENUE  
MARGATE, NJ 08402

ITEMS PRINTED.....34



TARA J. MAZZA, CTC  
TAX COLLECTOR

## OFFICE OF THE TAX COLLECTOR

MUNICIPAL BUILDING  
9001 WINCHESTER AVENUE  
MARGATE CITY, NEW JERSEY 08402  
(609) 822-2508  
FAX (609) 822-8316  
E-mail: mazza\_tara@margate-nj.com

Date: February 14, 2024

To Whom It May Concern:

I HEREBY CERTIFY THAT the TAX for Q1 2024;

And the WATER and SEWER charges for the year 2023

Are paid on property located at 109 S. Argyle Ave.

Assessed to 109 S Argyle LLC

Designated as BLOCK 1.02 Lot 6

This certification expires on April 30, 2024

Tara J Mazza, CTC  
Tax Collector  
Mazza\_tara@margate-nj.com

Per *TJM*



**City of Margate City  
Staff Committee Action - Planning Board**

<b>Block</b>	<b>Lot</b>	<b>Applicant Name</b>
1.02	6	109 South Argyle LLC
<b>District</b>		<b>Address of Subject Application</b>
S-30		109 South Argyle Avenue

Dear (Name of Submitting Party) Stephen Hankin, Esq.

Your submittal was considered at the Staff Committee meeting of Friday, January 05, 2024

The action(s) required prior to building permit are:

Staff committee reviewed the application and the agreed with the variances plus additional ones are required. Additionally, the zoning chart has some errors and needs to be corrected such as building height, bulkhead height, side yard setback and others.

The matter will be placed on the agenda of the Planning Board at 6:30PM on Thursday, February 22, 2024

Applications will be accepted on a first-come first-served basis. If the agenda becomes over-crowded, you will be rescheduled the following month. If you decide, for whatever reason, not to appear on this date, you must notify the Board Administrator as early as possible. The following month's agenda cannot be guaranteed.

The following conditions and special considerations must be addressed as part of your application to the Board:

Corrections to be made as mentioned and elevations needed.

**APPLICATION FEES:**

<b>D Variance:</b>	\$0.00	<b>Court Reporter:</b>	\$0.00
<b>C Variance:</b>	\$250.00	<b>Other:</b>	\$0.00
<b>Site Plan:</b>	\$0.00		\$0.00
<b>Subdivision:</b>	\$0.00		\$0.00
<b>Conditional Use Permit:</b>	\$0.00		\$0.00

Applicant shall combine all application fees into one separate check made out to the City of Margate. Escrow fees shall be a separate check made out to the City of Margate. NOTE: If an Escrow deposit is requested, a W9 form must be submitted with the Escrow check. Any Escrow funds will be refunded to the name and address indicated on the W9 form.

Please note that in proceeding further with the formal Board Application, you are responsible for satisfying all of the checklist particulars in the appropriate section(s) of the Administrative Regulations. The instructions and checklist for your particular application can be found on the following pages of this booklet: 1-19

You must also comply with the more detailed requirements of the Margate City Land Development Ordinance.

In order for you to be able to appear on the Board Agenda as per the above date, all application material must be submitted by 11:00am, Wednesday, January 31, 2024

Palma Accardi  
Planning Board Administrator  
Monday, January 08, 2024