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JACK PLACKTER
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October 28, 2020

Via Overnight Delivery

Roger McLarnon
Land Use Administrator
City of Margate
9001 Winchester Avenue
Margate, NJ 08402

**Re: 117-119 South Osborne Avenue
Block 15, Lot 8 & 9
"C" Variance Application**

Mr. McLarnon:

Enclosed please find the materials in support of the above-reference Application for Variance.

1. Application for Action by Planning Board, which is completely filled out and properly executed (1 original and 17 copies);
2. Justification for Variances (18 copies);
3. A check covering the Application Fee in the amount of \$200.00;
4. A check covering the Escrow Fee in the amount of \$250.00;
5. A tax list of 200 ft. property owners;

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada **New Jersey** New York North Carolina Pennsylvania South Carolina Texas Washington



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6. A Landscape Site Plan, submitted by J. Adamson and Associates, LLC, dated September 11, 2020 (18 copies);
7. A Variance Application Plan Site, submitted by Arthur W. Ponzio Co. & Associates, dated September 29, 2020 (18 copies);
8. An Architectural Site Plan, submitted by SOSH, and dated July 14, 2020 (18 copies); and
9. A Certification of Paid taxes has been requested, and will be submitted upon receipt.

We trust this is sufficient to process the Application and confirm that our Client's application is scheduled to be heard at the December 10, 2020 hearing.

Thank you for your cooperation in this matter.

Very truly yours,

Jack Plackter

JP

APPLICATION FOR ACTION BY PLANNING BOARD
MARGATE, NEW JERSEY

PLEASE
TYPE OR
PRINT

1. Date of Application: _____

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 checked="" 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 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) 117-119 South Osborne Ave
Block Number 15 Lot No(s) 8 & 9
Total Area (in square feet) 14,781
Frontage: _____
Depth: _____

4. Information about the Applicant:

Full name(s) Mark Rubin and Susan Rubin
If Business Entity, Names of Officers or Principals (Submit disclosure statement if appropriate)

Local Residence Address 117-119 South Osborne Ave, Margate, NJ Zip _____
Other Residence Address _____ Zip _____
Business Address N/A Zip _____
Phone Number(s) (include area code);
Email Address mhr57@hotmail.com
Business _____ Fax _____ Cell Phone 1-215-768-0929

10. If Site Plan Action is Required: N/A

-What is the present use of the site and building(s)?
 Applicant owns a single-family home at 117 South Osborne Ave.

-How will this be changed?
 Recently, Applicant purchased the old Osborne Avenue Beach Club and intends to build a single-family home on that property, and consolidate it with the existing improvements on 117 South Osborne Ave.

11. If Subdivision Action is Required: N/A

-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): Lot 8 - Applicant's residence. Lot 9 Osborne Ave. Beach Club

-Proposed use: Consolidate Lots and construct a new, single-family home on Lot 9.

-If a "D" or "Use" Variance is required, please explain: _____

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

Variance	Requirement of District	Present Condition	Proposed Condition
<u>See attached charts.</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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".

14. County and Other Agency Actions (Provide necessary dates and decisions): N/A

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.

16. Signature of Applicant(s):



Date 10/28/20

Date _____

17. This space for Board Administrator:

-Staff Committee action took place
10/19/2020 and case assigned to
the Planning Board for 12/10/2020 or

-This application received by the
Planning Board Administrator on
NOV. 4, 2020

By: Palma Accardi

18. Notarized Statement by Applicant:

State of Pennsylvania ss.

County of Philadelphia

Mark Rubin, 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 28th
day of October.



Commonwealth of Pennsylvania - Notary Seal
DIANE FOX, Notary Public
Philadelphia County
My Commission Expires May 8, 2024
Commission Number 1241924

VARIANCES & DESIGN WAIVERS REQUESTED			
ITEM	REQUIREMENT		PROPOSED
1 OUTDOOR FIREPLACE			
a. GREATER THAN 2' IN HEIGHT	2'-0"	§175-33.D.(11)(b)	2'-6"
b. LOCATED ON ELEVATED SURFACE	NOT PERMITTED	§175-33.D.(11)(d)	LOCATED ON STONE PATIO
c. WITHIN 15' OF ANOTHER STRUCTURE	>15' TO ANOTHER STRUCTURE	§175-33.D.(11)(e)	<15' TO THE PROPOSED TRELLIS
2 TRELLIS			
a. HEIGHT	8'-0"	§175-26.E.(10)	9'-0"
b. WIDTH	8'-0"	§175-26.E.(10)	10'-0"
3 POOL PATIO			
a. ELEVATION IN SIDE YARD -	1'-8" ABOVE BFE = 12.67'	§175-33.D.(3)(d)[1]	13.33'
b. ELEVATION IN REAR YARD SETBACK	18" ABOVE EX. GRD = 10.0'	§175-33.D.(3)(d)[2]	10.24'
c. FRONT YARD SETBACK	6.15'	§175-30.C.(5)	3.34'
4 DECK OVER BULKHEAD			
a. FRONT YARD SETBACK	6.15'	§175-33.C.(5)	0.00'
b. ELEVATION IN REAR YARD SETBACK - 13.33'	18" ABOVE EX. GRD = 10.0'	§175-33.D.(3)(d)[2]	13.33'
5 RETAINING WALL IN FRONT YARD			
a. RETAINING WALL AT FRONT PROPERTY LINE	NOT PERMITTED	§175-26.E.(5)	WALL W/MAX. HT. OF 4'-0" (REPLACES EX'G WALL)
6 LANDSCAPING			
a. FRONT YARD LANDSCAPE COVERAGE	min 60% less front stair (2,043 - 20) sf = 2,023 sf	§175-26.D.(1)	1,631.6 SF (47.9%)
7 GRASS STRIP BETWEEN SIDEWALK LINE AND CURBLINE	Required	§175-26.D.(6)	None proposed

**CITY OF MARGATE
SCHEDULE OF RESIDENTIAL STANDARDS
S-40 DISTRICT**

		REQUIRED	PROPOSED	STATUS
LOT	MINIMUM LOT AREA	4000 SF	14,781 SF	C
	MINIMUM LOT WIDTH	50 FT	186.11 FT	C
	MAXIMUM PRINCIPAL BUILDING COVERAGE	30%	25%	C
		4,434.3 SF	3,707.9 SF	
SETBACKS	SETBACKS			
	FRONT WALL	11.25 FT	18.33 FT	C
	FRONT PORCH	6.17 FT	9.33 FT	C
	SIDE YARD	37% OF TOTAL LOT WIDTH 68.33 FT TOTAL - 10' MIN	- 69.17 FT	C C
	REAR	20% OF LOT DEPTH 16' MINIMUM	16.69 FT	C
POOL DECK FRONT YARD	6.17 FT	3.34 FT	V	
ACCESSORY STRUCTURES	PROPOSED TRELLIS	8'-0" W x 16'-0" L x 8'-0" H	10'-0" W x 16'-0" L x 9'-0" H	V
	PROPOSED OUTDOOR FIREPLACE	2'-0" HEIGHT	2'-6" HEIGHT	V
PRINCIPAL STRUCTURE	MAXIMUM HEIGHT	2.5 STORIES (30 FT. MAX ABOVE FF.EL. OR BFE+4)	30'-0" (19'-5" TO TOP OF PLATE)	C
	MINIMUM ROOF PITCH	5 on 12 for roofs above first floor level	5:12 MIN.	C
PARKING		6 Bedroom residence 4 spaces minimum	6 spaces	C
LANDSCAPING	FRONT YARD	min 60% less front stair (2,043 - 20 = 2,023 SF)	1,631.6 SF (47.9%)	V
	TOTAL COVERAGE	min 35% less front stair (5,173.3 - 92) = 5,081.3 SF 34%	5,082.2 SF (34.3%)	C

JUSTIFICATION FOR VARIANCES:

The proposed home is compliant with the Margate Zoning Ordinance. The variances are for various features of the development based upon the unique topographic conditions and Department of Environmental Protection's mandated location of the bulkhead.

1. Fireplace. The three required variances for the fireplace are justified because of the unique location of the outdoor fireplace that is integrated with other structures on the pool deck. The variances are *de minimis*. The height of the fireplace is only 6 inches higher than permitted. Applicant believes that the ordinance is intended to regulate fire pits or fireplaces with open flames. The proposed fireplace is an enclosed gas unit that is permitted to be installed within a residence. While the fireplace is located on the pool patio slightly elevated above existing grade and is within 15 feet of the trellis, another structure, the fireplace meets all fire and safety codes and poses no threat to health or safety.
2. Trellis. The trellis height of 8 feet does not permit the construction of the proposed Pergola at the height of 9 feet as shown on the plans. In addition, the trellis is 10 feet wide rather than the permitted 8 feet. The zoning ordinance does not regulate pergola height or width. The Pergola functions as an accessory structure and the proposed Pergola height of 9 feet with a width of 10 feet is below the permitted height and width of an accessory structure like a garage or shed.
3. The Pool Patio. The pool patio requires variances for the elevation in the side yard and the elevation in the rear yard. Applicant intends to create a uniform pool patio and because of the unique topographic conditions of the site as well as the required location of the bulkhead a variance for elevation is required. In this instance, the patio is only 8 inches above the permitted elevation above base flood elevation and less than 2 feet above the permitted foot and a half above grade elevation in the rear yard setback. The required elevation of 13 feet for the bulkhead creates the need for this variance in order to have a uniform pool patio elevation throughout the site. A variance is required for the patio for a front yard setback of 3.34 feet when 6.15 feet is required.
4. The Deck. Similar to the pool patio, the deck requires an elevation variance in the rear yard setback where 18 inches above the existing grade of 8.5 feet is permitted. The Applicant is proposing 13.33 ft. in order to create a uniform elevation for the deck. The topographic conditions created by the mandated location and elevation of the bulkhead create this issue. A variance is required for the deck over the bulkhead in the front yard setback that is required to be 6.15 feet, Applicant proposes to take the top deck to a zero set back because that setback line is based upon the property's location on a ghost or paper street.
5. Retaining Wall. A variance is required for the retaining wall in the front yard. This retaining wall is located generally at the same location as the existing retaining wall except that the existing is within the right-of-way and the proposed is located at the property line with a 0 ft. setback. The proposed wall is 4 feet at its highest point and is necessary to provide stability to the property that is being elevated to conform to flood regulations and no purpose would be served for moving the retaining wall out of the front yard.

6. Landscaping in the Front Yard. A variance is required for landscaping in the front yard where 59.4% is required (60% less the front stair). The applicant is proposing 47.9% because of the current existing home configuration and required access to the expanded garage and parking area. The need for the retaining walls and bulkhead within the front yard is also contributing to the shortfall of landscape coverage, alone accounting for over 207 square feet. As a result, it is impracticable to meet the front yard landscape coverage requirement. However, this variance is mitigated by the fact that the overall landscape coverage for the entire site meets the ordinance requirement.
7. Waiver of Requirement for Grass Strip. A waiver is required for the grass strip between the sidewalk and curb line. The adjacent properties do not have a grass strip so this waiver is consistent with the neighborhood scheme.

These variances and the waiver can be granted without substantial detriment to the public good or without any substantial negative impact of the zone plan or zoning ordinance of the City of Margate.



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

Block	Lot	Applicant Name
15	8 & 9	Mark and Sarah Rubin
District	Address of Subject Application	
S-40	117-119 South Osborne Avenue	

Dear (Name of Submitting Party) Jack Plackter, Esq.

Your submittal was considered at the Staff Committee meeting of Monday, October 19, 2020

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

Staff committee met and has been in contact with owners for some time and went over the application. Staff committee agrees with application and a \$200 fee (other) is for tax map revision for consolidation. Property is unique in shape and location and this causes some of the variances. An existing timber bulkhead and retaining wall is present and has a overly large return contributing to the uniqueness of the lot.

The matter will be placed on the agenda of the Planning Board at 6:30PM on Thursday, December 10, 2020

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:

Staff committee has no conditions other than checklist. Meeting will be virtual via "go to meeting".

APPLICATION FEES:

D Variance:	\$0.00	Court Reporter:	\$0.00
C Variance:	\$250.00	Other:	\$200.00
Site Plan:	\$0.00		\$0.00
Subdivision:	\$0.00		\$0.00
Conditional Use Permit:	\$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: 1-27

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, November 18, 2020

**Palma Accardi
Planning Board Administrator
Monday, October 19, 2020**



Midtown Building
1301 Atlantic Avenue
Suite 400
Atlantic City, NJ 08401-7212
Tel (609) 348-4515 Fax (609) 348-6834
www.foxrothschild.com

JACK PLACKTER
Direct No: 609.572.2200
Email: JPlackter@FoxRothschild.com

October 1, 2020

Planning Board Commissioner
Attn: Staff Committee
City of Margate
9001 Winchester Avenue
Margate City, NJ 08402

**Re: Staff Committee Review Application
117-119 South Osborne Avenue [15/8&9]**

Dear Commissioner:

I represent Mark and Susan Rubin in the above-referenced matter. Enclosed please find an original and one (1) copy of a Staff Committee Review Application, including plans and a check in the amount of \$25.00 for the application fee.

Kindly review and reach out to me with any questions. Thank you.

Very truly yours,

A handwritten signature in black ink that reads 'Jack Plackter'.

Jack Plackter

JP:kg

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

City of Margate City
Staff Committee Review Application
Please Type or Print Neatly • \$25 Submittal Fee

Office Use Only:	Date Submitted: <u>10/8/2020</u>	Received By: <u>Palma</u>
	Paid: <u>\$25</u> Check/Receipt #: <u>666535</u>	Board Administrator or Zoning Officer

Staff Committee meetings are held as needed. Contents must comply in all particulars with the Administrative Regulations for Processing Planning Board Applications, sections on Staff Committee Review. The Board Administrator and other City Hall staff will answer reasonable questions regarding this procedure. They cannot, however, fill out these forms for you.

1. Date of Application: October 1, 2020
2. Submitted by – Name: Jack Plackter, Esq., Attorney for Applicant Phone No.: 609-572-2200
Address: 1301 Atlantic Ave., Suite 400, Atlantic City, NJ 08401
Email Address: jplackter@foxrothschild.com
3. If the party submitting this form is other than the potential Applicant for Board action (attorney, architect, builder, engineer, etc.), then who would the APPLICANT be?
Name: Mark Rubin and Susan Rubin Phone No.: 1-215-768-0929
Address: 117 South Osborne Avenue, Margate, NJ 08402
Email Address: mhr57@hotmail.com
4. The applicant would be (Check one):
 Owner Buyer under Agreement of Sale
 Tenant Other: _____
5. If the applicant for Board action would be Tenant or Buyer, who is the present OWNER?
Name: _____ Phone No.: _____
Address: _____

6. **Proposed Action is Located as Follows:**
Street Address: 117-119 South Osborne Ave Block: 15 Lot(s): 8 & 9
Zoning District: S-40

7. Describe site (and buildings, if any) as existing now: (THIS SECTION MUST BE COMPLETED)
Applicant owns a single-family home at 117 South Osborne Ave., Recently, Applicant purchased
the old Osborne Avenue Beach Club and intends to build a single-family home on that property
and consolidate it with the existing improvements on 117 South Osborne Ave.

8. Answer the following as to:

	<u>Existing Condition</u>	<u>Proposed Condition</u>
a. Size and Dimension of Lot:	Lot 8 - 4,000 SF, Lot 9 - approx 10,008 SF	Consolidated Lot of 14,781 SF
b. Size, Dimensions of Buildings:		4,700 SF
c. Height of Buildings (Feet):	30 ft.	
d. Height of Buildings (Stories):	2.5 stories	2.5 stories
e. % of Coverage on Land:	1,240 SF	3,707.9 SF
f. Front Yard Setback:	0	18.22 ft.
g. Rear Yard Setback:	0	16.69 ft.
h. Side Yard Setbacks:	69.17 ft combined	

9. According to the Administrative Regulations, a scaled drawing must accompany this Application. If available, a survey would be appreciated. In addition, use this space to provide a detailed narrative description of the proposed action. Attach additional paper, if necessary:

(THIS SECTION MUST BE COMPLETED)

Applicant proposes to construct a new, single-family home on Lot 9 that will incorporate the existing home on Lot 8 to create a total of one, brand-new, single-family home on a consolidated Lot.

10. Although the Staff Committee will determine the correct legal steps, what are the actions requested. (check more than one, if applicable):

- Subdivision
- C-Variance(s)
- D-(Use) Variance
- Site Plan
- Conditional Use Permit
- Other: _____

11. Which variances are needed, if any? See attached Addendum

12. IF THERE HAS BEEN ANY PREVIOUS STAFF COMMITTEE OR FORMAL BOARD APPLICATION AND/OR ACTION ON THIS PROPOSAL PROPERTY, PLEASE ATTACH RELEVANT DOCUMENTS, AND PROVIDE INFORMATION HERE: _____

Signature of Submitting Party: Jack Plackter

Print or Type Name: Jack Plackter, Esq., Attorney for Applicant.

ADDENDUM

VARIANCES & DESIGN WAIVERS REQUESTED		
1	OUTDOOR FIREPLACE	
	a. GREATER THAN 2' IN HEIGHT	§175-33.D.(11)(b)
	b. LOCATED ON DECK	§175-33.D.(11)(d)
	c. WITHIN 15' OF ANOTHER STRUCTURE	§175-33.D.(11)(e)
2	TRELLIS	
	a. HEIGHT GREATER THAN EIGHT FEET	§175-26.E.(10)
3	POOL PATIO	
	a. ELEVATION IN SIDE YARD - 13.33'	§175-33.D.(3)(d)[1]
	b. ELEVATION IN REAR YARD SETBACK - 13.33'	§175-33.D.(3)(d)[2]
	c. FRONT YARD SETBACK - 3.34'	§175-30.C.(5)
4	DECK OVER BULKHEAD	
	a. FRONT YARD SETBACK - 0'	§175-33.C.(5)
	b. ELEVATION IN REAR YARD SETBACK - 13.33'	§175-33.D.(3)(d)[2]
5	RETAINING WALL IN FRONT YARD	
	a. RETAINING WALL AT FRONT PROPERTY LINE	§175-26.E.(5)
	b. RETAINING WALL HEIGHT	
6	LANDSCAPING	
	a. FRONT YARD LANDSCAPE COVERAGE - 47.9%	§175-26.D.(1)
	b. LANDSCAPE COVERAGE - 34%	§175-26.D.(1)
7	GRASS STRIP BETWEEN SIDEWALK LINE AND CURBLINE	§175-26.D.(6)