PMB&B

PERSKIE MAIRONE BROG BARRERA & BAYLINSON

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW 327 CENTRAL AVENUE, SUITE 200, LINWOOD, NJ 08221 PHONE: 609-601-1775 FAX: 609-601-8440

April 4, 2024

PHILIP J. PERSKIE* Steven J. Brog** Christopher M. Baylinson*** Alexander J. Barrera*

COUNSEL TO THE FIRM STEVEN P. PERSKIE*

RICHARD S. MAIRONE

*MASTER OF LAWS TAXATION **Also Member of NY Bar ***Certified Civil Trial Attorney

Via Hand Delivery Palma Shiles, Administrator Margate Planning Board 9001 Winchester Avenue Margate, NJ 08402

> Re: Application of Charles and Eileen LaBarre 55 Seaside Court Block 610.04, Lot 11 Margate, New Jersey Our File No.: 12868-1

Dear Ms. Shiles:

We represent Charles and Eileen LaBarre with respect to their application to the Margate Planning Board scheduled to be heard on April 25, 2024. The LaBarres make application requesting "C" variance relief for size of trellis structure in order to construct a trellis over their existing rear deck. In support of the application, the following is enclosed for the Planning Board's review and consideration:

- 1. (18) Application for Action by Planning Board with Addendum and Checklist;
- 2. (18) Survey;
- 3. (18) Survey/Variance Plan;
- 4. (18) Distinctive Outdoor Structures shop drawings;
- 5. (18) Distinctive Outdoor Structures catalog sheets;
- 6. (18) Staff Committee Application and Action;
- 7. (1) 200 foot property owners' list (to be provided under separate cover);
- 8. (1) Confirmation of paid taxes, water and sewer (*to be provided under separate cover*);

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Palma Shiles, Administrator Margate Planning Board April 4, 2024 Page 2 of 2

9. (1) – Applicants' check in the amount of \$250.00 representing the application fee.

Should you require any further information in advance of the April 25th hearing date, please do not hesitate to contact me.

Thank you as always for your kind attention and usual courtesies..

Very truly yours,

PERSKIE MAIRONE BROG BARRERA & BAYLINSON, P.C.

BY:

CHRISTOPHER M. BAYLINSON embaylinson@pmbb.com

CMB:dbm Enclosures c: Charles and Eileen LaBarre (via email) (w/ Application) S:\L\LaBarre, Chuck & Eileen (12868)\Mat 1 - 55 Seaside Ct. - Trellis\Shiles (application submission) 4-3-24 CMB ltr.docx

LAND USE

Variance Application Checklist

			Waiver
VARI	ANCE CHECKLIST (Page 1 of 1)	Submitted	Requested
1.	 Submit the following documents with the Standard Development Application: a. Copy of an area map showing all lots within 200 feet of the property. b. List of names, addresses, lot and block numbers, as they appear on the official tax records of the City, of all owners of property within 200 feet of the property affected by the application and upon whom the notice must be served in the manner provided by law. c. Copy of professional survey at a scale not smaller than 1" = 100' nor larger than 1/8" = 1';clearly indicating the buildings and improvements thereon with all front, side and rear yard dimensions and setbacks from the property lines. d. Copies of subdivision, site plan or conditional use 	a. ✓ b. TBP ✓ d. N/A	
	applications when applicable.	e. TBP	
	e. Certification that taxes are paid.	e, IBP	-
2.	If the survey is more than one year old, attach certification of the applicant or owner that the survey accurately represents the status of the premises and all improvements at the time of filing for the variance, and show any proposed changes with all dimensions including enlargement of existing footprint, if applicable.	√	
3.	 A statement containing the following information: a. Date of acquisition of property and from whom. b. The number of dwelling units in existing building(s). c. State whether the applicant or owners own or are under contract to purchase any adjoining lands. Set forth lot and block number(s). d. State whether the application is or is not to be accompanied by a separate application for subdivision, site plan or conditional use approval. 	a. ✓ b. N/A c. N/A d. N/A	
4.	Ten (10) folded copies of a plot plan, map or survey.	✓	
	Checklist prepared by: <u>Christopher M. Baylinson, E</u> sq. Checklist reviewed by City:	Date: 4/3/2	24
	Application found complete on:	· ·	
	Application found incomplete on:		

Application of Charles and Eileen LaBarre 55 Seaside Court Block 610.04, Lot 11 Margate, New Jersey

N/A Not applicable

2

175 Attachment 1:9

10 - 01 - 2013

APPLICATION FOR ACTION BY PLANNING BOARD MARGATE, NEW JERSEY

1. Date of Application: April 4, 2024

2. Zoning	District:		
S-60	Single Family Residential	MF	Multi-Family Residential
S-60-WF	Single- Family Residential	CBD	Central Business District
S-50	Single Family Residential	C-1	Commercial
S-40	Single Family Residential 🖌	C-2	Commercial/Business
S-40-WF	Single-Family Residential	WSD	Waterfront Special District
S-30	Single Family Residential	R	Riparian
S-25	Single Family Residential	WAPC	Washington Avenue Pedestrian Corr.
S-25 (HD)	Historic Single Family Residential	WSPA	Government and Open Space
TF	Two-Family Residential		Institutional Use
в	Beach		

3. Subject Parcel:				
Street Address(es) 55 Seaside Court				
Block Number 610.04	_Lot No(s) _	11	_	
Total Area (in square feet) 4,500 sq. ft.				
Frontage: 50 ft.				
Depth: 90 ft.			-	

4. Information about the Application Full name(s) Charles and Eileen LaB			
Full name(s)			
If Business Entity, Names of Officers or	Principals (Submit disclosure statement	nt if appropriate)	
Local Residence Address 55 Seaside (Court, Margate, NJ	Zip	
Other Residence Address		Zip	
Business Address		Zip	
Phone Number(s) (include area code);			
Email Address			
Business	Fax	Cell Phone (609) 335-60	48

5. Interest in Subject Property:	6. If you do not own the Subject Property,
(Supply copies of relevant documents with this	provide the following regarding the Owner:
Application):	Name(s)
By lease dated	Address
By Agreement of Sale dated	Phone No. (include area code);
By Ownership of property	Res
	Bus
By other interest in law (describe):	Fax
	Cell
7. Type of Application Applied For (check all ap	plicable):
C Variance(s) Minor Subdivisi	on Interpretation (B Variance)
D Variance(s) Major Subdivisi	on Other (Explain)
Minor Site Plan Action Conditional Use	Permit
Major Site Plan Action Appeal (A)	
8. Application Made To: X Pl	lanning Board Other
9. Professionals Representing the Applicant: เc	heck applicable professional and provide information)
Attorney: Name Christopher M. Baylinson, Esquire	Phone (609) 601-1775
Address 327 Central Avenue, Suite 200, I	Linwood, NJ 08221
Fax (609) 601-8440 Cell	Email cbaylinson@pmbb.com
Architect: Name Distinctive Outdoor Structures	Phone (215) 699-5754
Address 619 Bethlehem Pike, Montgome	ryville, PA 18936
Fax Cell	Email office@distinctiveos.com
	Phone
	Email
Preparer of Subdivision or Site Plan (if different from abo	
Name	Phone
Address	
	Cell
(Be sure to include all area of	codes and zip codes in the above)

10. If Site Plan Action	is Required:	11. If Subdivision Action is Required:
-What is the present use of the	he site and building(s)?	-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)
		xS.F.
		xS.F.
-How will this be changed?		xS.F.
		-Purpose of the Subdivision
		To sell lot(s)
		To build and sell homes (or other buildings)
		Other (please explain):
12. If Variances are Re	equired:	
	st show all dimensions relevant to variar	
-Current use of lot(s) and bui	ilding(s): Single family home w	
	n of a trellis over the existing	
	is required, please explain: <u>N/A</u>	
	variances required, please fill or	
Variance	Requirement of District	Present Proposed Condition Condition
Size of trellis (2)		N/A 9' high (each) /22' wide total appro
	· · · · · · · · · · · · · · · · · · ·	
13. Prior Action: Please	detail any prior hearing and/or c	ecision relevant to this application. Supply date, name of Board,
		ecision relevant to this application. Supply date, name of Board, TTH EITHER BOARD ADMINISTRATOR.) If no prior action,
and results. (IF YOU ARE N		
and results. (IF YOU ARE N write "none".		
and results. (IF YOU ARE N write "none". None		TTH EITHER BOARD ADMINISTRATOR.) If no prior action,
and results. (IF YOU ARE N write "none". None	OT SURE PLEASE CHECK W	TTH EITHER BOARD ADMINISTRATOR.) If no prior action,
and results. (IF YOU ARE N write "none". None 14. County and Other A Site Plan: N/A Subdivision:	OT SURE PLEASE CHECK W	TTH EITHER BOARD ADMINISTRATOR.) If no prior action,
and results. (IF YOU ARE N write "none". None 14. County and Other A Site Plan: N/A Subdivision: N/A	OT SURE PLEASE CHECK W	TTH EITHER BOARD ADMINISTRATOR.) If no prior action,
and results. (IF YOU ARE N write "none". None 14. County and Other A Site Plan: N/A Subdivision:	OT SURE PLEASE CHECK W	TTH EITHER BOARD ADMINISTRATOR.) If no prior action,

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 Addendum to Application.

16. Signature of Applicant(s):	Dete
Christopher M. Baylinson, Esq Attorney for Applicar	Date
	Date
17. This space for Board Administrator:	18. Notarized Statement by Applicant:
	State of New Jersey } ss.
-Staff Committee action took place	County of Atlantic }
and case assigned to	, being duly
the Planning Board for or	sworn according to law, deposes and says, that
	the statements contained in the above application
-This application received by the	and the statements contained in the papers
Planning Board Administrator on	submitted herewith are true.
	Sworn to and subscribed before me this
	day of
Ву:	

ADDENDUM TO APPLICATION

Application of Charles and Eileen LaBarre 55 Seaside Court Block 610.04, Lot 11 Margate, New Jersey

Charles ("Chuck") and Eileen LaBarre are the owners of 55 Seaside Court, identified on the tax map as Lot 11 in Block 610.04 and situated in the S-40 zoning district. The property is oversized with 50' of frontage on Seaside Court, 90' of lot depth and 4,500 square feet of lot area. The property has frontage on Seaside Court and backs up to the two story JCC brick wall within a few feet of the rear property line.

This matter comes before the Planning Board as a request for variance relief related to a trellis proposed over applicants' existing rear deck. As can be seen from the plans submitted, the existing deck at the property extends from the back wall of the house 13' leaving a rear yard setback of 4' and side yard setback of 3' 4".

Chuck and Eileen would like the trellis over the deck to provide shade as their rear yard gets none of the prevailing south wind in the summer, which tends to cool things down. The JCC, just feet from their property line, blocks any breeze to their back yard. The variances are required as the trellis is proposed to cover the entire deck. The ordinance allows for two 8' wide trellises per property at a height of 8'. The trellises proposed are premanufactured at a width of 10' 11.5" wide and 15' deep. As such, the following variances are requested:

Proposed	Permitted
21.5' (width)	16' (width)
15' (depth)	8' (depth)
9' (height)	8' (height)

There are no setback variances implicated by the application as the existing deck is approximately 7" above grade while the ordinance allows no setback for rear decks up to 10" from grade. To the extent the trellis implicates a building coverage variance, existing building coverage is 42.08% and with the rear deck is 48.40% although, like the deck, the trellis is open and drainage on the property will be unaffected by installation of the trellis.

Sandwiched between the house and the two story JCC wall several feet away, it is respectfully suggested that the trellis on the rear deck can be justified as it is in a location which will impact no one. It is only slightly larger than permitted being 11' wide where 8' is allowed, or 22' where 16' is proposed. The trellis will enhance the rear yard of the property for the surrounding neighborhood while having no impact on views, light or otherwise. The LaBarres have high school age triplets and in the summer when the boys are home, Chuck and Eileen need a place to hide. The rear deck is the

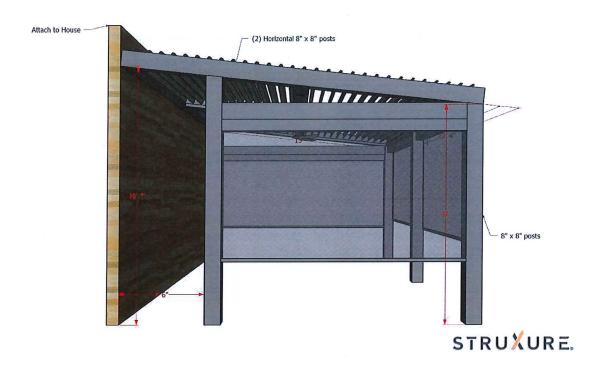
perfect place, but it is simply too hot in the summer due to the lack of a breeze. The trellis proposed will give them a comfortable shaded place to retreat to when the kids and their friends are around. By installing the trellis rather than enclosing the deck and adding a room, air, light and open space is preserved.

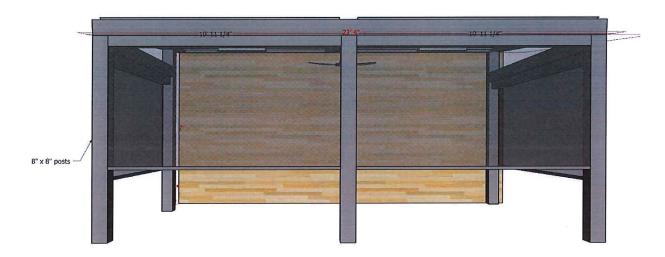
For these reasons, it is submitted that the variances for the size of the trellis at this particular location can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

S:\L\LaBarre, Chuck & Eileen (12868)\Mat 1 - 55 Seaside Ct. - Trellis\Addendum to Application 4-4-24 CMB.docx









STRUXURE.





City of Margate City Staff Committee Action - Planning Board

Block		Lot	Applicant Name
610.04		11	Charles and Eileen LaBarre
	District		Address of Subject Application
	S-40		55 Seaside Court

Dear (Name of Submitting Party) Christopher M Baylinson, Esq.

Your submittal was considered at the Staff Committee meeting of <u>Friday, February 09, 2024</u> The action(s) required prior to building permit are:

staff committee met with the applicant and reviewed the application and agrees with the requests

The matter will be placed on the agenda of the Planning Board at 6:30PM on <u>Thursday, March 21, 2024</u> 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 gauranteed.

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

APPLICATION FEES:

	D Variance:	\$0.00	Court Reporter:	\$0.00
	C Variance:	\$250.00	Other:	\$0.00
	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 Admistrative Regulations. The instructions and checklist for your particular application can be found on the following pages of this booklet: <u>1-19</u>

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, <u>Wednesday, February 28, 2024</u>

Palma Accardi Planning Board Administrator Friday, February 09, 2024

City of Margate City Staff Committee Review Application

Please Type or Print Neatly • \$25 Submittal Fee

ng Board Applications, sections on S reasonable questions regarding this on: January 23, 2024 ame: Christopher M. Baylinson, entral Avenue, Suite 200, Linwo baylinson@pmbb.com	ential Applicant for Board action (attorn Phone No.: (609) 335-6048	ministrator and other Cit out these forms for you.
reasonable questions regarding this on: January 23, 2024 ame: Christopher M. Baylinson, entral Avenue, Suite 200, Linwo baylinson@pmbb.com tting this form is other than the pote en who would the APPLICANT be? and Eileen LaBarre side Court, Margate, NJ 08402 hybar22@aol.com	EsqPhone No.: (609) 601-1775 od, NJ 08221 ential Applicant for Board action (attorned) Phone No.: (609) 335-6048	out these forms for you.
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and Eileen LaBarre side Court, Margate, NJ 08402 ybar22@aol.com	Phone No.: (609) 335-6048	
and Eileen LaBarre side Court, Margate, NJ 08402 ybar22@aol.com	Phone No.: (609) 335-6048	
ybar22@aol.com		
ybar22@aol.com		
Id be (Check one):		-
	Buyer under Agreement	of Sale
	□ Other:	
Board action would be Tenant or E	Buyer, who is the present OWNER?	
on is Located as Follows:		
	Block: <u>610.04</u>	_ Lot(s): <u>11</u>
S-40		
	55 Seaside Court S-40	55 Seaside Court Block: 610.04 S-40 Block: 610.04 buildings, if any) as existing now: (THIS SECTION MUST BE COMPLET)

8

× 1

Administrative Regulations

8.	Answer the following as to:		Existing Condition	Proposed Condition
	a.	Size and Dimension of Lot:		
	b.	Size, Dimensions of Buildings:		
	c.	Height of Buildings (Feet):		
	d.	Height of Buildings (Stories):		
	e.	% of Coverage on Land:		
	f.	Front Yard Setback:		
	g.	Rear Yard Setback:		
	h.	Side Yard Setbacks:		

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)

Applicants propose to construct a trellis over the existing rear deck

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

□ Conditional Use Permit

□ Site Plan

□ Other:

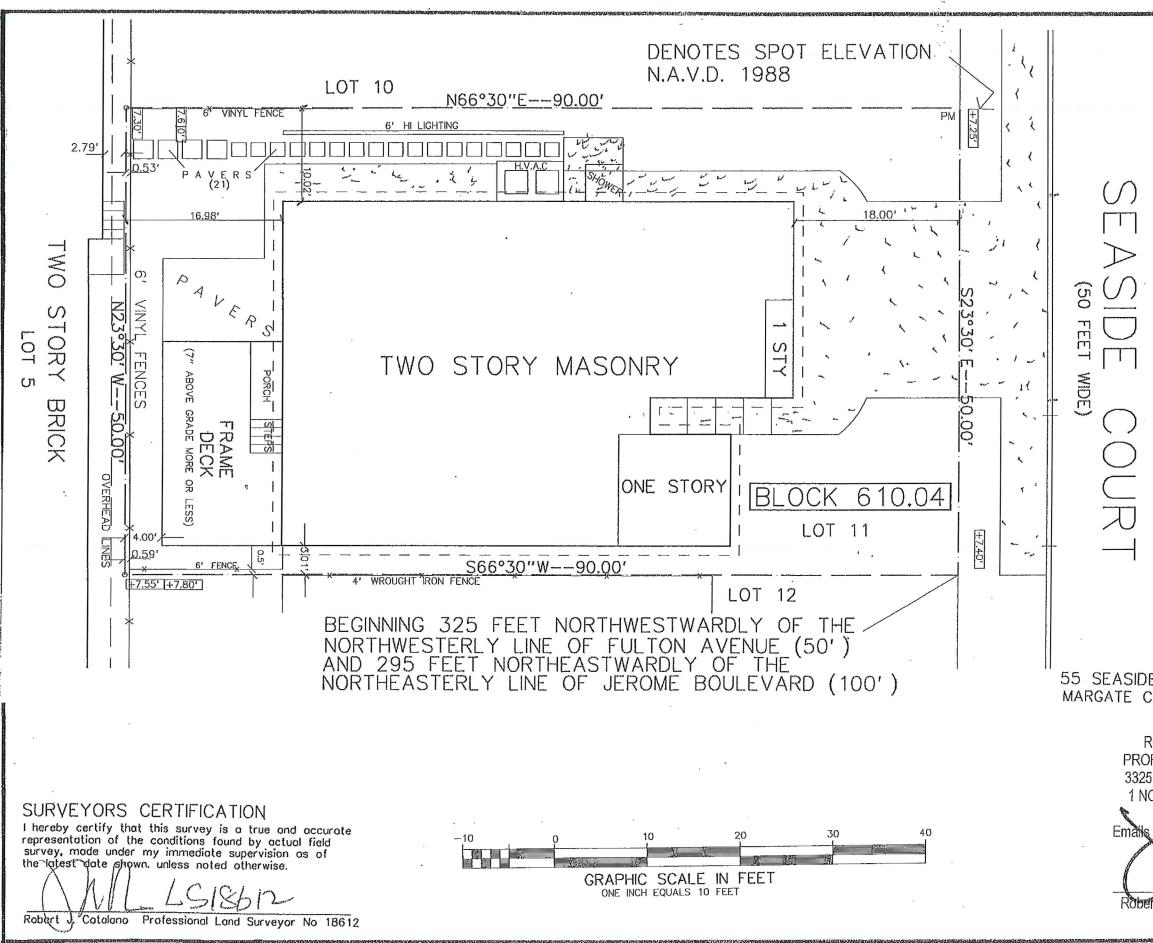
11. Which variances are needed, if any? Rear yard setback, side yard setback and landscaping

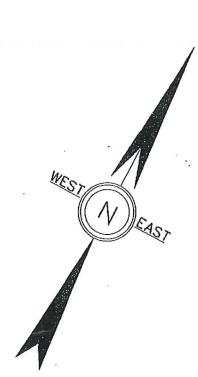
12. IF THERE HAS BEEN ANY PREVIOUS STAFF COMMITTEE OR FORMAL BOARD APPLICATION AND/OR ACTION ON THIS PROPOSAL PROPERTY, PLEASE ATTACH RELEVANT DOCUMENTS, AND PROVIDE INFORMATION HERE: N/A

Signature of Submitting Party:	All and a second

Print or Type Name: Christopher M. Baylinson, Esq. - Attorney for Applicant(s)

Administrative Regulations



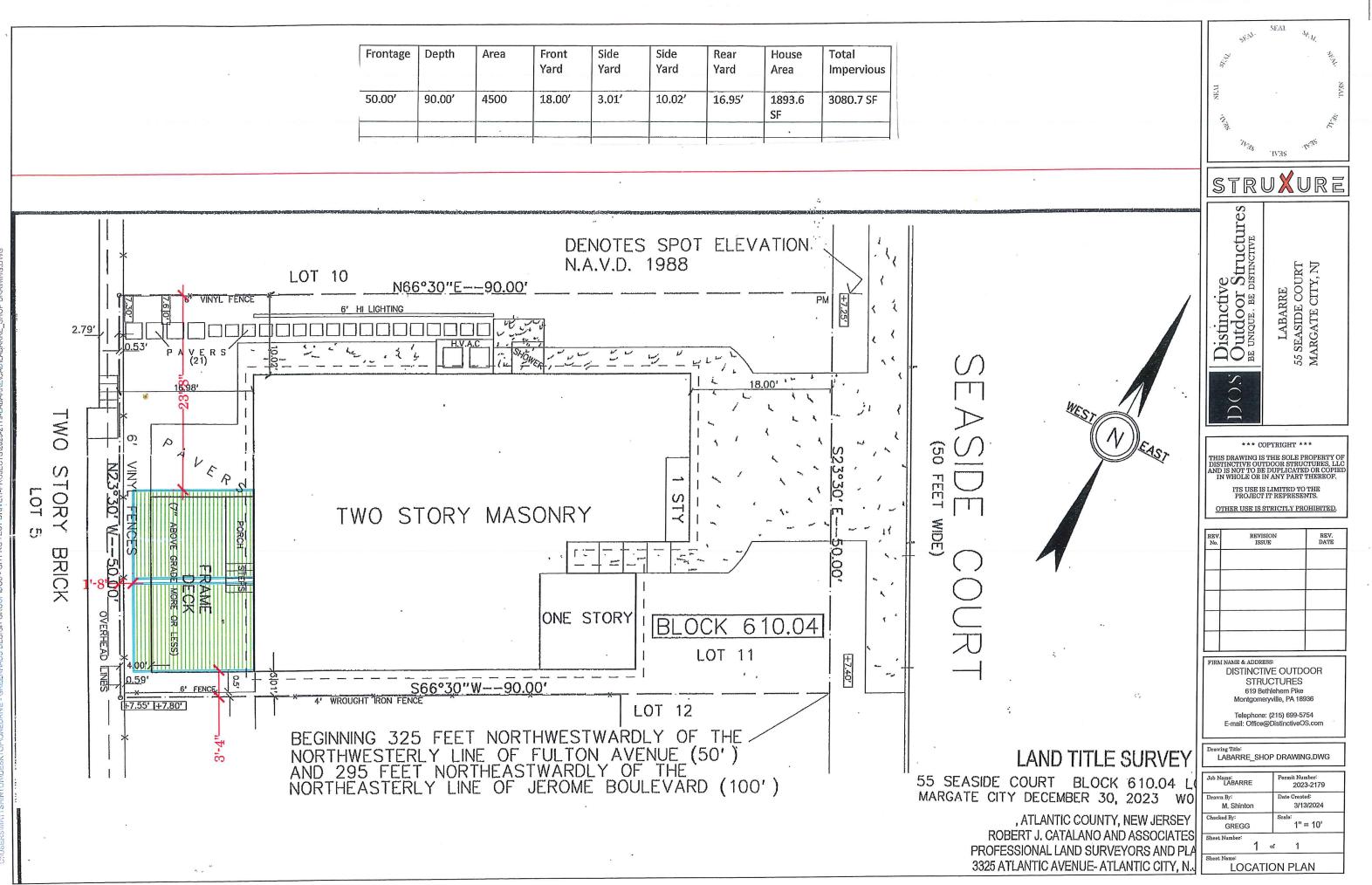


LAND TITLE SURVEY

55 SEASIDE COURT BLOCK 610.04 LOT 11 MARGATE CITY DECEMBER 30, 2023 WO 23214

> , ATLANTIC COUNTY, NEW JERSEY ROBERT J. CATALANO AND ASSOCIATES P.A. PROFESSIONAL LAND SURVEYORS AND PLANNERS 3325 ATLANTIC AVENUE- ATLANTIC CITY, N.J. 08401 1 NORTH BOSTON AVENUE (PURPLE HEART WAY) PHONE (609) 345-1887 FAX (609) 345-3511 mails catsr@comcrat.net crystal.catsurveys@comcast.net

pert J. Catalano Professional Land Surveyor No 18612



LEGEND

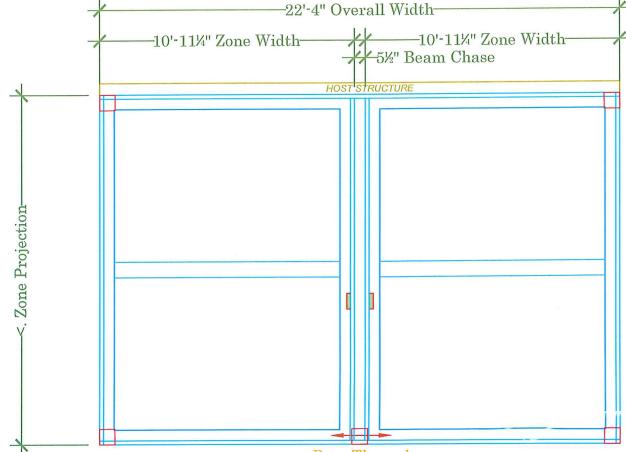
= Pass-Through

= 39" Radiant Heater

a = 4" LED Light

= 54" Fan

= Motor



Pass-Through

