

# City Council allows eaves, steps to encroach setbacks

By JACK FICHTER  
Cape May Star and Wave

CAPE MAY — City Council approved an ordinance allowing eaves and steps to encroach into setbacks, particularly for houses that are elevated to obtain better flood insurance rates, to help preserve historic streetscapes.

At a Sept. 19 council meeting, planning and zoning boards engineer Craig Hurless, who prepared the city's master plan, said the 2019 master plan re-examination recommended changes to the definition of building setback lines.

He said setbacks, whether it is side yard, front yard or rear yard, are measured to the nearest projection, eave or roof gutter.

"A lot of applicants or persons that are doing renovations on their property and are trying to secure a building permit would lop off the eaves to meet the setback requirements," he said. "We've seen instances in town where that has happened, and the architecture and design is not really consistent with the fabric and streetscapes of Cape May."

Mayor Zack Mullock said such houses resembled those in the game of Monopoly.

Hurless said there should

be an allowance to allow eaves to project into the setback up to 18 inches. A second part of the recommendation states stairs should not be included in the building setback requirements, stairs should have a separate setback requirement and also have a maximum width requirement when located within a required building setback.

"In order to avoid a variance or to secure a building permit and pass a zoning review, people would come up with unique ways of dealing with the steps whether they were inset to the porch or turned sideways or angled at a strange angle to avoid the variance situation or to comply so that they could secure a building permit," Hurless said.

He said the Planning Board felt those instances were not good examples of architecture and not consistent with the streetscape of Cape May. The amendment to the building code would give an allowance for roof eaves projection and gutters to extend a maximum of 18 inches into any yard setback, Hurless said.

Councilwoman Maureen McDade said the change would allow stairs 5 feet closer to some very small streets in the R-4 district (Village

Green). Hurless said the entry stairs and landing would have to be less than 10 feet wide and the principal building currently conforming to the front yard setback requirements.

Steps are counted towards lot coverage, he said. If they are pervasive, steps count as 50 percent toward lot coverage in a residential district.

The Planning Board examines applications to see whether they are overdeveloping the lot looking at the floor area ratio and lot coverage, he said.

The zoning code has a provision stating if your house is in a block where 50 percent of the lots are non-conforming with regards to front yard setback, you are permitted to have a surveyor or prepare a survey which would take an average of four adjacent homes.

Hurless said the setback could conform to the average of the other four homes negating the need for a variance.

Those who elevate their house may extend the front steps or any access steps straight out without regard to variances, he said.

"It's trying to encourage those step projections to be straight out instead of that inset or weird offset or zig zag," Hurless said.

## See-saw

Continued from Page A1

sarily a good thing financially for our water gallonage to be down but from a more environmental standard, our gallons being down is not such a bad thing," Mayor Zack Mullock said.

Hanie said the city has seen gains in interest-bearing bank accounts. By this time last year, the city had earned less than \$10,000 in interest but through Aug. 31, the city earned \$661,000, an increase of \$650,000.

"While there are ups and some downs, it is mostly smoothed over by that interest line item," Hanie said.

By this time last year, the city had expended 58.89 percent of its budget while as of Aug. 31, the city has expended 58.34 percent.

Health insurance expenses increased by \$109,000, he said.

"We see increases in fire

(department) for contractual salaries and then increases in buildings and grounds and streets and roads, just for increased activity and personnel," Hanie said, noting otherwise, the city's accounts were mainly static.

Year-to-date, the city saw a \$500,000 decrease in grants, which Hanie said was a matter of timing. He said large grants are still expected this year.

Hanie said uniform fire safety revenues decreased by \$8,000.

The water/sewer utility has expended 63.9 percent of its budget, up from 57.98 percent at this time last year. He attributed that to a rate increase from the county Municipal Utilities Authority (MUA) for sewage disposal.

Mullock said it had been the practice of the city to wait a few years when the county MUA raised costs

and have a "big bump" in the local rate rather than pass along the increase to customers as it occurs.

The beach utility saw an increase of \$176,000 in the lifeguard's line item attributable to a payout ordered by the Department of Labor for overtime, Hanie said.

During public comment, resident Jules Rauch asked if city funds were placed daily in high interest NJARM (New Jersey Asset & Rebate Management Program) sweep accounts. Hanie said that proposal had not occurred and that city funds are kept at Sturdy Savings, which increased interest rates at the city's request.

Hanie said NJARM accounts are not insured by the Federal Deposit Insurance Corp.



## STURDY SAVINGS BANK PRESENTS A COMPLIMENTARY BUSINESS BENEFICIAL OWNERSHIP INFORMATION REPORTING SEMINAR

### WHAT

Beneficial Ownership: What it is, what is required and frequently asked questions.

### WHEN

Wednesday, October 18, 2023

### WHERE

Atlantic Cape Community College  
Cape May Court House Campus  
Lecture Hall Room #212  
Two Sessions Available:  
9-10 a.m. & 10:30-11:30 a.m.

A Virtual option is available.

Email [events@sturdyonline.com](mailto:events@sturdyonline.com) to receive information.

Registration is required as seating is limited. Please register using the QR Codes.

### WHY

The Corporate Transparency Act (CTA) establishes uniform beneficial ownership information reporting requirements for certain types of businesses. This reporting requirement goes into effect January 1, 2024. Learn what Beneficial Ownership is, what information will be required, and bring your questions.

9 A.M.



10:30 A.M.



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TIDES: Oct. 4-11, 2023

DATE	HIGH		LOW	
	A.M.	P.M.	A.M.	P.M.
4	12:03	12:25	5:49	6:53
5	12:59	1:22	6:41	7:55
6	2:03	2:25	7:41	9:00
7	3:12	3:30	8:45	10:02
8	4:17	4:31	9:49	10:56
9	5:12	5:23	10:47	11:42
10	5:58	6:08	11:37	
11	6:39	6:49	12:21	12:22

MOON PHASES  
Last quarter, Oct. 6 • new moon, Oct. 14

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