



Fee Date: 03/26/2020

Check #: 1105

Cash: 0

## ZONING PERMIT

ID: 552264132

Date: 03/31/2020

Fee: \$ 35.00

### PROPOSED WORK

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Adding a New Use to a Property | <input type="checkbox"/> Home Occupation                    | <input type="checkbox"/> Private Garage        |
| <input type="checkbox"/> Air Condensor Unit(s)          | <input type="checkbox"/> Interior Remodel - Comm / Res      | <input type="checkbox"/> Residential Addition  |
| <input type="checkbox"/> Commercial Addition            | <input type="checkbox"/> New Accessory Structure            | <input type="checkbox"/> Signs                 |
| <input type="checkbox"/> Continuing/Changing Use        | <input type="checkbox"/> New Commercial Business            | <input type="checkbox"/> Solar                 |
| <input type="checkbox"/> Deck/Balcony                   | <input type="checkbox"/> New Ownership of Property/Business | <input type="checkbox"/> Storage Shed          |
| <input type="checkbox"/> Driveway / Sidewalk / Apron    | <input type="checkbox"/> New Residence                      | <input type="checkbox"/> Swimming Pool/Hot Tub |
| <input type="checkbox"/> Fence/Retaining Wall           | <input type="checkbox"/> Porch                              | <input type="checkbox"/> Zoning Determination  |
| <input checked="" type="checkbox"/> Other: _____        |   |  |

The Neptune Township Zoning Map, Land Development Ordinance and its amendments can be found online at [www.neptunetownship.org/departments/land-use](http://www.neptunetownship.org/departments/land-use).

### ALL APPLICATIONS WITHIN THE HISTORIC DISTRICT REQUIRE HPC APPROVAL.

### IF ANY OF THE REQUESTED INFORMATION IS SUBMITTED INCOMPLETE, THEN THIS APPLICATION SHALL BE RETURNED UNPROCESSED.

1. **Location of property for which zoning permit is desired:**

**Street Address:** 111 SO MAIN ST **Block:** 308 **Lot:** 5 **Zone:** C-6

2. **Applicant Name:** DANIEL CONDATORE, RA **Phone No.** (732)800-1958 **Fax No.**

**Applicant's Address:** 51 Overlea Lane Aberdeen, NJ

**Email:** dcondatore@mode-arch.com

3. **Property Owner Name:** JEMAL'S ROLLO LLC **Phone No.** **Fax No.**

**Property Owner's Address:** 702 H ST NW SUITE 400 WASHINGTON, DC 20001

**Email:**

4. **Present Approved Zoning Use of the Property:** Food service contractors/catering (#87) use

5. **Proposed Zoning Use of the Property:** Nonconforming "Warehouse/Distribution"

6. **Describe in detail the activity or activities you are proposing. If you are proposing construction, then describe in detail the dimension and setbacks. If you are proposing a use, then describe the proposed use.**

"The scope of the project is to repair the partial demolished structure, and to extend 1 story wall and raise the roof to 2 story height in one area. Existing 2nd floor area will remain as-is. There is no expansion of the 2nd floor or building area. The raised roof will create a large 1 story volume. The overall goal is to repair the building to make it occupiable under its existing use."

7. **Has the above referenced premises been the subject of any prior application to the ZONING BOARD OF**

**ADJUSTMENT or PLANNING BOARD?**

Yes ☐ No ☒ If Yes, state date:

Board: Resolution # (if any): (submit a copy of the Resolution)

**8. For all exterior work pertaining to additions and accessory structures, excluding fences, please provide:**

**Building Coverage:** 60.00 %

**Lot Coverage:** 100.00 % (Please include calculations)

**40:55D-68.3. Penalty for false filing.** Any person who knowingly files false information under this act shall be liable to a civil penalty not to exceed \$1,000 for each filing. any penalty imposed under this section may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

-----FOR OFFICE USE-----

**Zoning Review Notes:**

03/31/2020 The property is located within the C-6 Zoning District. The applicant indicates the present and proposed zoning use of the property to be Warehouse/ Distribution. This is false. The present zoning use of the property is a Food service contractors/catering (#87) use. On 04/07/2016 in response to a zoning violation the use of the property changed from a Nonconforming Bus Garage with Bus Parking into a Food service contractors/catering (#87) use.

The existing principal structure on the property is Nonconforming.

The applicant describes the proposed work in detail:

"The scope of the project is to repair the partial demolished structure, and to extend 1 story wall and raise the roof to 2 story height in one area. Existing 2nd floor area will remain as-is. There is no expansion of the 2nd floor or building area. The raised roof will create a large 1 story volume. The overall goal is to repair the building to make it occupiable under its existing use."

The applicant and property owner indicates the premises has not been the subject of prior application to the Zoning Board of Adjustment or Planning Board. The applicant and property owner have filed false information. The property was subject prior application to the Planning Board. Refer to Resolution No. 97-22.

**CHANGE IN USE OF THE PROPERTY:**

The applicant indicates the present and proposed zoning use of the property to be Warehouse/ Distribution. This is false. The present zoning use of the property is a Food service contractors/catering (#87) use. On 04/07/2016 in response to a zoning violation the use of the property changed from a Nonconforming Bus Garage with Bus Parking into a Food service contractors/catering (#87) use. There have been no subsequent zoning permit applications to change the use of the property into a "Warehouse/ Distribution" use.

- The "Warehouse/ Distribution" use is not a listed permitted use within the C-6 Zoning District (refer to Land Development Ordinance section 404.09-B). The applicant does not display compliance with the Land Development Ordinance. Zoning Board of Adjustment approval is required to change the use of the property into a "Warehouse/ Distribution" use.

**NONCONFORMING USES STRUCTURES AND LOTS:**

Per Land Development Ordinance section 422-B-1 & 2:

B No existing use, structure or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, unless it is changed to a conforming use or

structure as follows:

1 Any non-conforming structure or use damaged to less than fifty per cent (50%) of its previous existing area or value by fire or other natural calamity, may be restored, reconstructed or used as before, provided the area of such use or structure shall not exceed the area which existed prior to such damage nor increase the intensity of use. All repairs shall be completed within one (1) year after damages occur, or within such time extensions granted by the Zoning Officer, which can only be granted upon good cause being shown by the applicant, or such use shall not be rebuilt except as a conforming use.

2 Normal maintenance and repair of a structure containing a non-conforming use is permitted, provided that it does not extend the area or volume of space occupied by the non-conforming use or structure and does not increase the intensity of use. Nothing in this section shall prevent the restoring to a safe or lawful condition any part of any structure declared unsafe by the Construction Official.

#### ZONING NOTES:

- The existing principal structure on the property is Nonconforming.
- The property has received penalties for exceeding the scope of work and notice of an unsafe structure from the Construction Official. The applicant has received zoning approval to construct temporary wall supports at the discretion of the Construction Department to prevent the collapse of a portion of the building.
- With this zoning permit application, the applicant is proposing to expand the existing nonconforming structure. The applicant did not submit construction plans detailing floor plans and elevations of the building prior to performing construction that exceeded the scope of work. The applicant did not submit construction plans detailing floor plans and elevations of the building after being issued the Stop Work Order by the Construction Department for performing construction that exceeded the scope of work. This was discussed with the property owner's professionals and a condition prior to receiving zoning approval to construct temporary wall supports. Zoning Board of Adjustment review and approval is required for expansion of the existing nonconforming structure.

The applicant does not display compliance with the Land Development Ordinance.

Zoning Board of Adjustment approval is required.

#### Status

Approved ☐ Denied ☒

#### Referrals

Construction ☒ HPC ☐ Engineering ☒ Planning Board ☐ Zoning Board ☒ Mercantile ☐ Code Enforcement ☐