

# Zoning Permit



<input type="checkbox"/> ACCESSORY STRUCTURE (\$35)	<input checked="" type="checkbox"/> PORCH/DECK/BALCONY/ENTRY PLATFORM (\$35)
<input type="checkbox"/> COMMERCIAL/RESIDENTIAL ADDITION (\$35)	<input type="checkbox"/> RETAINING WALL (\$35)
<input type="checkbox"/> CONTINUING THE USE/OCCUPANCY OF A PROPERTY, BUILDING OR STRUCTURE UNDER NEW BUSINESS/PROPERTY OWNERSHIP (\$35)	<input type="checkbox"/> SIGN (\$35)
<input type="checkbox"/> DRIVEWAY (\$35)	<input type="checkbox"/> SOLAR PANEL (\$35)
<input type="checkbox"/> FENCE (\$35)	<input type="checkbox"/> STARTING/CHANGING A USE/OCCUPANCY OF A PROPERTY, BUILDING, OR STRUCTURE (\$35)
<input checked="" type="checkbox"/> HISTORIC DISTRICT: AC UNIT/GENERATOR/EXHAUST FAN (\$35)	<input type="checkbox"/> STORAGE SHED (\$35)
<input checked="" type="checkbox"/> IMPERVIOUS COVERAGE (\$35)	<input type="checkbox"/> SUBDIVISION (\$35)
<input checked="" type="checkbox"/> INTERIOR REMODELING (\$35)	<input type="checkbox"/> SWIMMING POOL/HOT TUB/TENNIS COURT (\$35)
<input type="checkbox"/> NEW PRINCIPAL STRUCTURE (\$35)	<input type="checkbox"/> ZONING DETERMINATION LETTER (\$35)
<input type="checkbox"/> OTHER: _____ (\$35)	

\*Indicate location, height, and type of fence or wall on survey / plot plan.

**PLEASE REVIEW THE ZONING PERMIT INFORMATION SHEET, AND ALL APPLICABLE LAND DEVELOPMENT ORDINANCE REQUIREMENTS, PRIOR TO COMPLETING THIS APPLICATION**

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

As per the Neptune Township Land Development Ordinance Section 1102, a Zoning Permit shall be issued prior to the commencement or change of use of a property, building or structure; the occupancy of any building or structure; the construction, erection, reconstruction, alteration, conversion, or installation of any building or structure; or the issuance of a Certificate of Appropriateness, where applicable.

**PLEASE NOTE:** If any of the requested information is submitted incomplete, this application shall be returned, unprocessed.

**PLEASE PRINT CLEARLY:**

1. Block: 108	Lot: 11	Zoning District: HD-O
2. Property Address: 22 ATLANTIC AVE		
3. Current Property Owner Information:		
<b>(AS IDENTIFIED ON THE TAX ASSESSORS RECORD)</b>		
Name: GANNON,GREGORY & GANNON,JOSEPH	Applicant Information: Name: SHORE POINT ARCHITECTURE	
Address: 318 ALLEN AVE	Address: 108 SO MAIN STREET	
ALLENHURST, NJ 07711	OCEAN GROVE NJ 07756	
Phone: _____	Phone: (732)774-6900	
Email Address: _____	Email Address: abf@shorepointarch.com	

- |    |                                      |                                   |   |
|----|--------------------------------------|-----------------------------------|---|
| 4. | Present zoning use of the property:  | Nonconforming Two Family Dwelling | <input checked="" type="checkbox"/> Unchanged |
| 5. | Proposed zoning use of the property: | Nonconforming Two Family Dwelling |   |

# Zoning Permit

6. Describe in detail all zoning related activities you are proposing.

(PROVIDE DETAILED DESCRIPTION ON ADDITIONAL PAGES IF NECESSARY)

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 #: \_\_\_\_\_

(SUBMIT A COPY OF THE RESOLUTION WITH THE BOARD SIGNED PLANS WITH THIS APPLICATION SUBMISSION)

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

Building Coverage: 0 \_\_\_\_\_ % Lot Coverage: 0 \_\_\_\_\_ %

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

## Zoning Review Notes:

04/30/2024 The property is located within the HD-O Zoning District.

The zoning use of the property is a Nonconforming Two Family Dwelling.

The applicant/property owner certifies that the premises has not undergone any previous application to a Board of Jurisdiction (Zoning Board of Adjustment or Planning Board). It is acknowledged by the applicant and property owner that the Zoning Board of Adjustment and the Planning Board function as independent administrative municipal agencies, possessing the authority to adjudicate requests for deviations from the established Land Development Ordinance. Furthermore, the applicant and property owner recognize that any variances granted by a Board of Jurisdiction (whether the Zoning Board of Adjustment or Planning Board) are binding throughout the property's existence. Such variances may include conditions and/or restrictions relating to the property's use and/or structures.

## Zoning Permit;

Neptune Township Land Development Ordinance section 1102-A states:

A When required. A zoning permit shall be issued prior to:

- 1 The commencement or change of use of a property, building or structure;
- 2 The occupancy of any building or structure;
- 3 The construction, erection, reconstruction, alteration, conversion, or installation of any building or structure;
- 4 Issuance of a Certificate of Appropriateness, where applicable.

**ZONING NOTES:**

- The applicant has submitted this zoning permit application indicating the proposed interior remodeling.
- The applicant has submitted this zoning permit application indicating Natural Calamity repairs to the front Porch.
- The applicant has submitted this zoning permit application indicating the proposed demolition of the existing chimney.
- The applicant has submitted this zoning permit application indicating the proposed replacement of existing windows, removal of existing windows and the creation of new window opening.
- The applicant has submitted this zoning permit application indicating the proposed replacement of Projections.
- The applicant has submitted this zoning permit application indicating the proposed demolition of the existing front walkway on the property and on the neighboring property within the Flared Avenue Open Space Area.
- The applicant has submitted this zoning permit application indicating the proposed removal of existing AC condenser units and the installation of new AC condenser units.
- The applicant has submitted this zoning permit application indicating the proposed construction of a new side Entry Platform.
- The applicant has submitted this zoning permit application indicating the proposed removal of existing AC condenser units and the installation of new AC condenser units.

## **Nonconforming Uses, Structures, and Lots;**

Neptune Township Land Development Ordinance section 422 states:

The following provisions shall apply to valid non-conforming use, structures and lots at the time of adoption of this Ordinance:

A A use, building or structure which is lawfully in existence at the effective date of this Ordinance and shall be made non-conforming at the passage of this Ordinance or any applicable amendment thereto, may be continued as otherwise provided in this section.

**ZONING NOTES:**

- The zoning use of the property is nonconforming as it does not comply with the current Neptune Township Land Development Ordinance requirements.
- The Principal Structure is nonconforming as it does not comply with the current Neptune Township Land Development Ordinance requirements.
- The front Porch is nonconforming as it does not comply with the current Neptune Township Land Development Ordinance requirements.
- The Projections are nonconforming as they do not comply with the current Neptune Township Land Development Ordinance requirements and encroach onto neighboring properties.
- The applicant/property owner certifies that the premises has not undergone any previous application to a Board of Jurisdiction (Zoning Board of Adjustment or Planning Board).

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.

3 A building containing residential non-conforming use may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of bedrooms or dwelling unit.

**ZONING NOTES:**

**- The applicant indicates the proposed Natural Calamity repairs to the front Nonconforming Porch. The applicant indicates the proposed Porch repair is less than 50% of the entire structure. The proposed construction shall not exceed the area which existed prior to such damage nor increase the intensity of use.**

C Non-conforming uses and structures are considered terminated and shall not be revived in any way except as a conforming use or structure in accordance with the following:

1 A non-conforming use or structure abandoned in accordance with this Ordinance and accompanied by an intent on the part of the owner to abandon such use as evidenced by some act or failure to act which carries with it a sufficient implication that the owner neither claims or retains any interest in the subject matter of the abandonment shall be considered a termination thereof. Such implication shall be reputedly presumed by non-use for any period of two (2) or more years. Non-use by successive owners shall be considered continuous non-use.

2 The change of a non-conforming use or structure to a more or entirely conforming use for any period of time shall be considered an abandonment of the previous non-conforming use, and a reversion to the previous non-conforming use shall not be permitted.

3 A non-conforming structure or use which has fifty percent (50 %) or more of its non-conforming area or value destroyed by fire or natural calamity shall be considered an abandonment thereof.

**ZONING NOTES:**

**- The applicant is proposing interior remodeling to both residential units. The applicant indicates a proposed reduction in the number of bedrooms in Unit #1 from three to two. The applicant is proposing a reduction in the nonconformity.**

D A nonconforming structure may not be enlarged, extended, increased in height, width or depth, moved or relocated, modified in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms; unless such structure is changed to a structure conforming to the requirements of this Chapter except that an existing one family structure may be rebuilt, enlarged, extended or added to provided:

1 The enlargement, extension or addition conforms to all zone requirements; or

2 The portion of the enlargement, extension or addition which does not conform to zone requirements consists entirely of the enclosure of existing side or rear porches.

3 Where a structure is nonconforming solely because it intrudes on the current required yard area.

a If the proposed horizontal addition to that building would not protrude into that required yard area, then the Zoning Official can issue the permit and no application to the Board of Adjustment is necessary.

b If a proposed vertical addition would be located within the building envelope or existing building footprint (and assuming no violation of height restriction or other ordinance provision), the Zoning Official may also

issue a permit for such vertical expansion provided that the addition would not exacerbate the nonconformity.

4 An existing one-family structure located in a residential district destroyed by fire or other natural calamity may be rebuilt provided the new structure complies with all zone requirements relating to setbacks and height; however, the existing lot need not comply with minimum lot width, depth and area requirements where the existing condition is non-conforming.

E The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply for, in writing, the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the responsibility of affirmatively proving the preexisting nonconforming use or structure. Application pursuant hereto may be made to the Zoning Board of Adjustment Administrative Officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Zoning Board of Adjustment.

F Any parcel of land with an area or width less than that prescribed for a lot in the zone in which the lot is located may be used as a lot for any purpose permitted in the zone, if:

1 at the time of and since the adoption of the zoning ordinance making such lot nonconforming, the owner of the lot did not own adjoining property.

2 all other regulations prescribed for the zone are or can be complied with.

[NOTE: Added per Ordinance No. 08-03]

[NOTE: The previous section, §422, has been renumbered per Ordinance No. 03-035; prior section number assignment was §421]

## **Height Exemptions and Permitted Projections;**

Neptune Township Land Development Ordinance 418 states:

A Height exemptions. The maximum height requirements for each zone district shall apply to all structures in all zone districts, except as follows:

1 Chimneys, flues, ventilators, skylights, towers, water tanks, cooling towers, church spires, cupolas, belfries, clock towers, flagpoles and all other decorative features and necessary mechanical appurtenances and similar features usually carried above the roof level, shall be exempt from the height provisions of this Ordinance provided:

a The aggregate area covered by all such features shall not exceed 20% of the area of the roof of the building of which they are a part.

b The height of each such feature shall not exceed fifteen (15) feet above the level of such roof, except for church spires which may exceed the required height by thirty-five (35') feet.

c All such features shall be constructed, or enclosed within walls, of a material and design in harmony with that of the main walls of the building of which they are a part.

2 Where the height of a building conforms to the requirements of this Chapter on that side or sides thereof which face(s) the street, but where, due to the topography of the lot, the said height is in excess of said requirements along one or more sides of such building other than the side or sides which face(s) the street, the Zoning Officer may issue a zoning permit provided that at no point along the periphery of the building does the height thereof exceed by ten (10) feet, and/or by one (1) story, the maximum height prescribed by this Chapter for the zone district in which such building is located.

3 Parapet walls not extending more than four (4) feet above the maximum height limitation shall be exempt from height requirements set forth in this Chapter.

B Permitted projections. The following shall not be considered to be obstructions and shall be permitted when located in a required yard and/or setback area:

1 Fire escapes, provided they do not project more than four (4) feet into a required yard and they are no closer than two (2) feet to a property line; Fire escapes are not permitted in a front yard. Existing fire escapes may be replaced in their location and to their exact size.

2 Weather protecting and energy efficiency enhancing front door enclosures that project no more than five feet into a required front setback area, and are no larger than forty (40) square feet in total area, provided the principal structure complies with the required front yard setback;

3 Cornices, eave, cantilevered roofs, gutter, bay windows, and chimneys, provided they do not project more than twenty-four (24) inches from an exterior building wall into any required yard setback, and provided they remain two (2) feet from all yard lines;

[NOTE: Amended per Ordinance No. 07-54]

## **ZONING NOTES:**

- The applicant indicates the proposed demolition of the nonconforming chimney that encroaches onto the neighboring property.

- The applicant indicates the proposed replacement of Projections in the same location, same dimension, due to natural calamity.

## **Flared Avenue Open Space Areas;**

Neptune Township Land Development Ordinance 413.02 states:

A Purpose. The HD-O Zone District is subject to special setback provisions dating to the late 1870's, providing for a flared setback that widens toward the ocean from Central Avenue to Ocean Avenue. This flared setback is a unique and invaluable resource that is recognized within planning, urban design and historic preservation circles as one of the first evidences of this type of streetscape treatment in the country.

B Ornamentation. Aside from an access walkway and sidewalk no greater than six feet (6') in width, shrubbery, flowers and other similar ornamentation installed and maintained at a height of less than thirty (30) inches, no structures may be placed within, or may project into, the area defined as the Historic Flared Avenue Open Space area. The area between the curb and the sidewalk shall be maintained as a planted grass strip.

C Vehicles. No vehicles of any type may be parked within a flared avenue open space area. This shall not preclude the parking of vehicles within the established public right-of-way.

### **ZONING NOTES:**

- The applicant indicates the proposed demolition of the existing walkway on the property and on the neighboring property located in the Flared Avenue Open Space Area. The applicant indicates the proposed construction of a new walkway within the Flared Avenue Open Space Area.

## **Porch, Deck and Balcony Requirements;**

Neptune Township Land Development Ordinance section 411.07-E states:

E Entry platforms. An entry platform not more than six (6) feet in height above the average finish grade, nor greater than fifty (50) square feet in area, may not project into any required yard/setback area.

[NOTE: Amended per Ordinance No. 11-35]

### **ZONING NOTES:**

- The applicant indicates the proposed construction of a 2.75'X4' side Entry Platform with stairs. The applicant indicates the proposed Entry Platform presents with a height of 2'.

## **Performance Standards For All Uses: Ventilation;**

Land Development Ordinance section 402-G states:

An application for a permit shall provide documentation that the intended use will comply with the performance standards enumerated below. In the case of a structure being built where the future use is not known, a zoning permit may be issued with the condition that no certificate of occupancy will be issued until such time as this documentation is submitted with respect to the particular occupant. A new application and a new certificate of occupancy shall be required in the event of a change of any user of any structure.

G Ventilation. No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no air conditioners or exhaust fans shall be permitted to discharge exhausted air unless set back from all property lines 10 feet or equipped with baffles to deflect the discharged air away from the adjacent use.

**ZONING NOTES:**

- The applicant indicates the proposed removal of existing AC condenser units and the proposed installation of two TRANE model 4TTVOX24A1000A upward ventilating condenser units on the property.

**Bulk Regulations: HD-O;**

**ZONING NOTES:**

- The indicated required Building and Total Lot Coverage requirements indicated by the applicant is inaccurate. The Neptune Township Land Development Ordinance provides values for the single family use, existing Hotel use and New Hotel use. There is no indicated requirement for the Nonconforming Two Family Dwelling use. The applicant and property owner certify that the premises has never been the subject of any prior application to a Board of Jurisdiction. The applicant has indicated that the proposed construction will neither increase or decrease the existing Building or Total Lot Coverage.

The applicant is approved zoning for the above indicated. To be constructed as indicated on the stamped approved zoning plans. Any deviations shall invalidate this zoning approval.

HPC and Construction Department approval is required.

**Status**

Approved  Denied

**Referrals**

Construction  HPC  Engineering  Planning Board  Zoning Board  Mercantile  Code Enforcement