



Fee Date: 01/18/2023

Check #: 10036

Cash: 0

ZONING REVIEW

ID: 559905864

Date: 01/26/2023

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 checked="" type="checkbox"/> Porch | <input type="checkbox"/> Zoning Determination |
| <input 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.

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: 52 COOKMAN AVE **Block:** 265 **Lot:** 5 **Zone:** HDR1

2. **Applicant Name:** CHRIS MOTT CUSTOM BUILDERS **Phone No.** (973)945-3818 **Fax No.**

Applicant's Address: PO BOX 37 OCEAN GROVE NJ 07753

Email: mottbuilders@gmail.com

3. **Property Owner Name:** ECKSTEIN, SUSAN & BINGERT, KAREN A **Phone No.** (609)635-2005 **Fax No.**

Property Owner's Address: 52 COOKMAN AVENUE OCEAN GROVE, NJ 07756

Email: swek_23@yahoo.com

4. **Present Approved Zoning Use of the Property:** Detached Single Family Residence

5. **Proposed Zoning Use of the Property:** Detached Single Family Residence

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.**

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: 0

Lot Coverage: 0 (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:

02/16/2023 The property is located within the HD-R-1 Zoning District.

The zoning use of the property is a Detached Single Family Residence.

The applicant and property owner certify that the premises has never been the subject of any prior application to the Zoning Board of Adjustment or Planning Board.

In reviewing the submitted documents, it appears the applicant is proposing work in reference to:

- Nonconforming Uses Structures And Lots;
- Porches and Decks (in the Historic District of Neptune Township);
- Height Exemptions and Permitted Projections;

Nonconforming Uses, Structures, And Lots;

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 existing principal structure is nonconforming as it does not meet the current Neptune Township Land Development Ordinance requirements.
- The existing porch is nonconforming as it does not meet the current Neptune Township Land Development Ordinance requirements.
- The existing projections are nonconforming as they do not meet the current Neptune Township Land Development Ordinance requirements.
- The existing driveway is nonconforming as it does not meet the current Neptune Township Land Development Ordinance requirements.
- The existing structural retaining wall is nonconforming as it does not meet the current Neptune Township Land Development Ordinance requirements, and encroaches onto the neighboring property.

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.

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 reputably 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.

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]

Porches and Decks (in the Historic District of Neptune Township)

Land Development Ordinance section 411.07B states:

A Applicability. This Subsection includes regulations for attached, accessory porches and decks located on properties used for residential purposes within the historic zone districts.

B Deck setbacks. For residential structures a deck may not encroach into any setback/yard areas. No deck associated with a multi-family residential use may extend into any required setback/yard areas.

C Porch setbacks. For residential structures, a porch may not encroach into any setback/yard areas. No porch associated with any multi-family residential use may extend into any setback/yard areas.

ZONING NOTES:

- The applicant indicates the proposed construction of a 4.8'x6.8' front porch addition. The proposed porch shall be setback 3.5' from the front leasehold line.

D Enclosure. A porch shall not be heated or air-conditioned and at least fifty (50) percent of the exterior wall area shall be open and non-glazed.

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.

F For lots in the HD-R-1 Zone District, west of Central Avenue, the front building line shall have a minimum front yard setback of ten (10) feet back from the street line and the front porch line shall be set back at a minimum distance of four (4) feet from the street line, except as modified by Paragraph I hereunder.

ZONING NOTES:

- The property is located within the HD-R-1 Zoning District.

- The applicant indicates the proposed construction of a 4.8'x6.8' front porch addition. The proposed porch shall be setback 3.5' from the front leasehold line.

G For lots east of Central Avenue, except those fronting Olin and McClintock Streets, the front building line shall have a minimum front yard setback that is created by a line running directly from a point ten (10) feet back from the property line at the corner of Central Avenue to a point two (2) feet back from the property line at the corner of Ocean Avenue, except as modified by Paragraph D hereunder.

H For lots fronting Olin and McClintock Streets, the front building line shall have a minimum front yard setback that is created by a line running directly from a point ten (10) feet back from the property line at the corner of Central Avenue to a point six (6) feet back from the property line at the corner of Ocean Avenue, except as modified by Paragraph D hereunder.

I No building line or front porch line need be set back farther than the average alignment of those front building and front porch lines of existing buildings within 200 feet on each side of the lot and within the same block front and within the same Zone District. This provision does not permit the encroachment of buildings or porches into the flared open space area.

J For lots east of Central Avenue, except those fronting Olin and McClintock Streets, the lot area and lot depth requirement shall be measured from the curb line rather than the property line. A calculation of building and lot coverage requirements shall be based on the resultant lot area. These provisions shall not affect any of the required yard setbacks.

K All buildings and porches shall be so located that the roofs, steps or extensions of the same shall not extend upon or overhang any public street, public avenue, public sidewalk, or any other lot unless permission is granted by that lot owner.

L Original open air balconies where being reconstituted by the renovation are not restricted. New open air balconies may not exceed 150 square feet and shall be setback a minimum of 1'-6" from the applicable front or side yard setback line. In the event the covered porch directly below it has projecting steps or stairs, such steps or stairs shall be excluded from the area footprint in the calculation.

Height Exemptions and Permitted Projections

Land Development Ordinance section 418-B-3 states:

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:

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;

ZONING NOTES:

- The applicant indicates the proposed projections shall be setback 2' from the front yard leasehold line.

The applicant is approved zoning for the above indicated construction.

HPC and Construction Department approvals are required.

Status

Approved ☒ Denied ☐

Referrals

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