



Fee Date: 09/28/2020
Check #:
Cash: 0

ZONING PERMIT

ID: 553463077

Date: 10/14/2020

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 checked="" type="checkbox"/> Driveway / Sidewalk / Apron | <input type="checkbox"/> New Residence | <input type="checkbox"/> Swimming Pool/Hot Tub |
| <input checked="" type="checkbox"/> Fence/Retaining Wall | <input 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.**

- Location of property for which zoning permit is desired:**

Street Address: 1526 CORLIES AVE **Block:** 1108 **Lot:** 4 **Zone:** C-6
- Applicant Name:** JOHN DEATCHER **Phone No.** [REDACTED] **Fax No.**

Applicant's Address: 1528 CORLIES AVE NEPTUNE, NJ 07753

Email: [REDACTED]
- Property Owner Name:** J.A.D. GROUP, LLC **Phone No.** **Fax No.**

Property Owner's Address: 1528 CORLIES AVE NEPTUNE, NJ 07753

Email:
- Present Approved Zoning Use of the Property:** Nonconforming Detached Single Family Residence
- Proposed Zoning Use of the Property:** Nonconforming Detached Single Family Residence
- 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 proposed activity includes construction of a gravel driveway in the front/side yard. The proposed area is currently overgrown gravel. An existing curb curb cut & apron will provide access from Corlies Ave. The existing alternate driveway will be barricaded from use, by three large proposed planters."
- 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:

10/14/2020 **ZONING VIOLATION REMEDIATION:**

On 03-04-2020 the property received zoning denial and was referred to the Zoning Board of Adjustment for variances for the proposed construction of two (2) principal driveways on the property. The property owner has submitted this Zoning Permit Application because the second driveway was constructed, after the Zoning Denial issued on 03-04-2020, without first acquiring zoning approval.

The front, side, and rear yard areas have been regraded without first acquiring Department of Engineering approval.

The property owner owns the adjacent property. The use of that property is a Nonconforming Detached Single Family Residence. The property owner shares the rear yard area with the adjacent property to store motor vehicles and trailers.

Please refer to the Zoning Inspection Photographs taken on 04-01-2020, 05-19-2020 10-14-2020.

This zoning permit application resubmitted on 09-28-2020 consists of:

- One (1) copy of the Zoning Permit Application;
- One (1) copy of the Boundary And Topographic Survey by Morgan Engineering dated 09-01-2020;
- One (1) copy of the Driveway Permit Plot Plan by Morgan Engineering dated 09-14-2020;

The property owner certifies that the premises has not been the subject of any prior application to the Zoning Board of Adjustment or Planning Board.

The property is located within the C-6 Zoning District. The property owner indicates the present Zoning Use of the property to be "Residential". This is false. The present Zoning Use of the property is a Nonconforming Detached Single Family Residence.

The applicant describes the proposed work in detail:

"The proposed activity includes construction of a gravel driveway in the front/side yard. The proposed area is currently overgrown gravel. An existing curb curb cut & apron will provide access from Corlies Ave. The existing alternate driveway will be barricaded from use, by three large proposed planters."

The applicant does not describe all work performed and structures as defined by the Land Development Ordinance in the detailed description and in the submitted plans.

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

- Zoning Permit Application Information Sheet;**
- Definitions;**
- Nonconforming Uses, Structures, And Lots;**
- Driveway Requirements;**
- Driveway Design Standards;**
- Fence.**

Zoning Permit Application Information Sheet:

With each Zoning Permit Application you are required to submit: (for all projects within the Historic Zoning Districts) three (3) copies of a current survey/site plan and three (3) sets of construction plans; **(for all projects outside of the Historic Zoning District) two (2) copies of a current survey/site plan and two (2) set of construction plans. Survey's must show the existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations and easements, all drawn to scale. All surveys must be prepared by a land surveyor. Survey information may be transposed to a site plan if the date of the survey and by whom and for whom it was prepared is noted on the site plan.**

Vegetation, general flood plain determinations or general location of existing utilities, buildings or structures may be shown by an architect, planner, engineer, land surveyor, certified landscape architect or other person acceptable to the reviewing governmental body. On all plans you are responsible for showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of all existing and proposed structures and substructures (drawn to scale), the number of dwelling units the structure is designed to accommodate, the number and location of off-street parking spaces and off-street loading areas and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

ZONING NOTES:

- The applicant did not submit the required surveys/site plans with this zoning permit application as indicated on the zoning permit application information sheet. The applicant submitted One (1) copy of the Driveway Permit Plot Plan by Morgan Engineering dated 09-01-2020. No copies are being returned to the property owner.

- The submitted One (1) copy of the Boundary And Topographic Survey by Morgan Engineering dated 09-01-2020 and One (1) copy of the Driveway Permit Plot Plan by Morgan Engineering dated 09-01-2020 do not display the true conditions of the property. The indicated "Asphalt Driveway (To Remain)" has been expanded, and is not properly displayed on either plan. The indicated "Gravel" is not properly depicted. The indicated "Prop. Asphalt Driveway" is no longer proposed as it has been constructed.

- There are structures indicated on the submitted plans that do not presently exist

- The applicant has filed false information.

Definitions:

abandonment - The relinquishment of property, or cessation of the use of the property, by the owner or lessee without any intention of transferring property rights to another owner or of resuming the use of the property.

accessory use – A use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

alley – A thoroughfare less than thirty (30) feet in width dedicated for the public use of vehicles and/or pedestrians, which may afford access to property, but is not intended for general traffic circulation.

as-built survey – A property survey prepared and certified by a licensed land surveyor to reflect the actual location of structures and other improvements constructed on a property.

building – Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

building coverage – The percentage of the lot area that is covered by building area, which includes the total horizontal area when viewed in plan.

building envelope – An area, generally described by building setback lines, depicting the area within which the building(s) can be constructed.

building footprint – The horizontal area contained within the outer dimensions of the foundation walls of a building.

building height – The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average height between the eaves and the ridge level for gable, hip, and gambrel roofs.

building line – A line formed by the intersection of an exterior wall of a building with the ground.

building line, front – A line parallel to the front yard line touching that part of a principal building closest to the front yard line, not including the dimensions of a porch structure.

commercial vehicles – Any commercially registered vehicle except a passenger car. Vehicles normally associated with a commercial use, but not registered for commercial use, shall be deemed commercial vehicles.

common open space – A parcel of land or an area of water, or a combination of land and water within that part of a townhouse development site that has been designated for the use or enjoyment of residents and owners of the townhouse development. Common open space may contain such non-residential recreational structures, improvements and landscaping as are necessary or appropriate for use by the residents.

common ownership – Ownership of two (2) or more contiguous lots of real property by one (1) person or persons.

curbline – A stone, concrete or other improved boundary marking the edge of a roadway or paved area.

development – The division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure,

or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land.

disturb - to dig, dredge, excavate, remove, deposit, grade, clear, level, fill or otherwise alter or change the location or contour of land or otherwise cause land to be exposed to the dangers of erosion.

driveway – A private right-of-way providing access for motor vehicles to a garage, dwelling or other building from a street or other right-of-way.

easement – A grant of one (1) or more of the property rights by the property owner to another person or entity, and/or for the use by the public or a corporation.

excavation or cut - any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

fence – A barrier of any material or combination of materials erected to enclose, screen or separate areas.

impervious cover – Any structure, surface or improvement that reduces and/or prevents absorption of stormwater into land. Porous paving, paver blocks, gravel, crushed stone, crushed shell, elevated structures (including boardwalks), and other similar structures, surfaces or improvements are considered impervious cover. Grass, lawns or any other vegetation are not considered impervious cover.

lot – A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or build upon as a unit.

lot coverage - The percentage of lot area that is covered by impervious cover.

lot line – A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

lot line, front - The lot line separating a lot from a street right-of-way. In the Historic District-Oceanfront District the lot line, front shall be the lot line between the leasehold lot in question and the Historic Flared Avenue Open Space. This line is also considered the inner sidewalk line.

lot line, rear - The lot line opposite and most distant from the front lot line. In the case of a corner lot, the lot line opposite the shorter front street line shall be considered the rear lot line.

lot line, side - Any lot line other than a front lot line or rear lot line.

non-conforming lot - A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

non-conforming structure - A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

non-conforming use - A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

open space, common - An open space area within or related to a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

outdoor storage - The keeping other than in a building of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

parking lot - An improved, off-street, ground-level open area used for the parking of motor vehicles. A parking lot may include access drives or aisles for ingress and egress.

parking space, off-street - A paved or surfaced area for off-street motor vehicle parking.

principal structure - A building in which the principal use of the lot on is conducted.

principal use - The primary or predominant use of any lot.

prohibited use - Any use that is not specifically permitted by this Ordinance.

setback - The distance between a building and any lot line.

setback line - That line that is established at the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

site plan - A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, and screening devices; and any other information that may be reasonably required in order to make an informed determination pursuant to this Ordinance.

use - The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

yard - An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth herein is to be unoccupied and unobstructed from the ground upward except as may be provided in this Chapter.

yard, front - An open, unoccupied space (unless occupied by a structure hereinafter specifically permitted) extending across the full width of the lot and lying between the street line and the building line. All yards abutting a street shall be considered a front yard. In the Historic District-Oceanfront District the yard, front shall be the yard between the building line and leasehold line abutting the Historic Flared Avenue Open Space.

yard, rear - An open, unoccupied space (unless occupied by an accessory structure) extending across the full width of the lot between the rear lot line and the building line.

yard, side - An open, unoccupied space (unless occupied by an accessory structure) extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the building line.

zoning permit – A document signed by the administrative officer (1) which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion, or installation of a structure or building and (2) which acknowledges such use, structure or building complies with the provisions of the municipal zoning ordinance or variance therefrom duly authorized by a municipal agency pursuant to the Municipal Land Use Law.

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:

A¹ 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 use of the property is nonconforming.**
- **The existing principal structure is nonconforming.**
- **The existing accessory structures (driveways) are nonconforming.**
- **The property owner certifies that the premises has not been the subject of any prior application to the 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 existing premises is devoted to a nonconforming use. The applicant has disturbed the land on the property without first acquiring approval from the Department of Engineering. The submitted Boundary And Topographic Survey by Morgan Engineering dated 09-01-2020 is false as it does not display the current conditions of the property. This calls into question, the elevations indicated. False information has been filed. Zoning Board of Adjustment review and approval is required.

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 existing premises is devoted to a nonconforming use. The applicant has disturbed the land on the property without first acquiring approval from the Department of Engineering. The submitted Boundary And Topographic Survey by Morgan Engineering dated 09-01-2020 is false as it does not display the current conditions of the property. This calls into question, the elevations indicated. False information has been filed. Zoning Board of Adjustment review and approval is required.

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.

1. 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.

2. 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.

ZONING NOTES:

- The existing premises is devoted to a nonconforming use. The applicant has disturbed the land on the property without first acquiring approval from the Department of Engineering. The submitted Boundary And Topographic Survey by Morgan Engineering dated 09-01-2020 is false as it does not display the current conditions of the property. This calls into question, the elevations indicated. False information has been filed. Zoning Board of Adjustment review and approval is required.

- The applicant has constructed a nonconforming driveway after receiving a zoning denial.

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.

ZONING NOTES:

- N/A

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.

ZONING NOTES:

- N/A

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]

ZONING NOTES:

- N/A

DRIVEWAY REQUIREMENTS:

Per Land Development Ordinance section 412.06:

A No non-residential driveway shall be located within ten (10) feet of an existing adjacent residential property, nor within five (5) feet of any other property line, unless otherwise regulated in this Chapter.

ZONING NOTES:

- N/A

B Access to a commercial parking garage or parking area for twenty-five (25) or more vehicles shall not be closer to the intersections of any two (2) streets than fifty (50) feet.

ZONING NOTES:

- N/A

C No access drive or driveway shall be located in any residential district to provide access to uses other than those permitted in such residential zone.

ZONING NOTES:

- N/A

D No driveway shall serve any use other than the permitted use on the lot upon which the driveway is located.

ZONING NOTES:

- The applicant has expanded an existing driveway and the constructed a new driveway to be accessory to the Nonconforming Detached Single Family Residence use.

E A barrier-free walkway system shall be provided to allow pedestrian access to a building or use from both a parking lot within the site and from the Township sidewalk system.

ZONING NOTES:

- N/A

F No lot containing a detached single-family dwelling shall contain more than one (1) principal driveway. In the case of a through lot, a driveway is to be provided only within the front yard area.

ZONING NOTES:

- The applicant has constructed two (2) principal driveways on the property. The applicant states "...The existing alternate driveway will be barricaded from use, by three large proposed planters...". What the applicant indicates to be existing has been expanded and is not truly depicted on the plans submitted with this Zoning Permit Application. False information has been filed. Zoning Board of Adjustment review and approval is required.

G New driveways shall be prohibited in all Historic Zone Districts.

ZONING NOTES:

- N/A

DRIVEWAY DESIGN STANDARDS:

Per Land Development Ordinance section 505:

A Applicability. This article shall apply to all applications for development.

B Design standards. The following standards shall be used to prepare and review any development plan that involves the construction of a new driveway or the expansion or repair of an existing driveway.

1 Lot access. Every use shall have driveway access to a street, except for historic zone districts. Such access shall be designed for the safety, control, efficient movement and convenience of motor vehicle traffic accessing the site, including service and emergency vehicles, and to promote safe, efficient and convenient traffic circulation generally within the Township.

2 Location. Driveways shall be located along the street line of a lot as follows:

(a) A driveway on a corner lot shall be set back a minimum of forty (40) feet from the intersecting lot lines at the corner. A driveway for a single-family dwelling shall be set back a minimum of three feet (3) from a side lot line, unless such is a common driveway for dwelling units on adjacent lots. A driveway for uses other than single-family dwelling units shall be setback at least ten (10) feet from all property lines, excepting driveway intersections with public or private roadways.

ZONING NOTES:

- The property is not located on a corner lot.

- The existing premises is devoted to a nonconforming use. The applicant has disturbed the land on the property without first acquiring approval from the Department of Engineering. The submitted Boundary And Topographic Survey by Morgan Engineering dated 09-01-2020 is false as it does not display the current conditions of the property. This calls into question, the elevations indicated. False information has been filed. Zoning Board of Adjustment review and approval is required.

3 Construction specifications. Driveways shall be paved with a minimum of four (4) inches of compacted sub-base material and two (2) inches of three-eighths inch roadway stone or comparable material or to an alternate standard as approved by the Township Engineer.

ZONING NOTES:

- Township Engineer review and approval is required.

4 Width. The width of driveways shall be based on the following:

(Refer to TABLE 5.2)

ZONING NOTES:

- The applicant has performed work on the property that is not accurately depicted on the submitted plans. False information has been filed. Zoning Board of Adjustment review and approval is required.

5 Grading. Driveway grades shall not exceed 6% at any point along the entire length of the driveway.

ZONING NOTES:

- Township Engineer review and approval is required.

6 Aprons. Driveway aprons shall be designed to permit access to any driveway from a street. Such apron shall be constructed between the curb or edge of street pavement and the sidewalk or, in the absence of sidewalk, for a distance of four feet back from the curb or edge of pavement. Driveway apron width may be enlarged to provide adequate turning radii for larger vehicles. The construction specifications of driveway aprons shall be pursuant to applicable Township ordinances or as approved by the Township Engineer.

ZONING NOTES:

- Township Engineer review and approval is required.

7 Side slopes. Driveway side slopes shall be top soiled, seeded, fertilized and mulched or otherwise stabilized to prevent erosion. If banks exceed a slope of two increments vertical to one increment horizontal (two to one) and the slope face is not stable rock, retaining walls shall be constructed of a design approved by the Township Engineer.

ZONING NOTES:

- Township Engineer review and approval is required.

8 Clear sight triangles. At locations where driveways approach sidewalks and streets in the public right-of-way, clear sight triangles shall be provided on both sides of such driveways. No vision-obstructing object with a height greater than 2 1/2 feet, as measured from the elevation of the driveway, shall be located in such areas formed by outward facing isosceles triangles, with equal sides of ten (10) feet in length consisting of the curb line of the driveway and the property line along the right-of-way.

ZONING NOTES:

- The applicant has expanded an existing driveway and the constructed a new driveway on the property. The applicant is proposing obstructions of the clear sight triangle. Zoning Board of Adjustment review and approval is required.

FENCE:

Per Land Development Ordinance section 412.07-B:

B Fences and walls in non-historic zone districts. Fences and walls in non-historic zone districts shall be permitted accessory structures subject to the following provisions:

1 Front Yards.

(a) For residential uses, fences shall be permitted to be located in front yards, provided such fences shall not exceed four (4) feet in height, as measured from ground level and shall be constructed so that at least fifty (50) percent thereof is non-solid and open. Fence types such as board-on-board and stockade shall be considered solid fences. Decorative walls are permitted to be located in front yards for residential uses, provided such shall not exceed two and one half (2 1/2) feet in height, as measured from ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed five (5) feet in height. For corner lots the second front yard now considered a side yard may have a solid fence, six (6) feet in height extending to the front buildings line of the dwelling unit and shall not interfere in the site triangle.

ZONING NOTES:

- N/A

(b) For non-residential uses, fences and decorative walls may be erected in the front yard extending to the rear or side lot lines, provided:

(i) When such fences and walls are located within fifteen (15) feet of a street line they shall not exceed four (4) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways shall not exceed five (5) feet in height.

(ii) When such fences and walls are located more than fifteen (15) feet from a street line they shall not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways shall not exceed seven (7) feet in height.

ZONING NOTES:

- N/A

(c) Chain link fences shall be prohibited in front yards in all zone districts.

ZONING NOTES:

- N/A

2 Side and Rear Yards.

(a) For residential uses, both solid and non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Decorative walls for residential uses are permitted to be located in side or rear yards, provided such shall not exceed four (4) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.

ZONING NOTES:

- The applicant has reconstructed a 6' high chain link fence in the side yard area. This was not indicated to be reviewed and approved on this or prior Zoning Permit Applications.

(b) For non-residential uses, both decorative walls and solid or non-solid fences shall be permitted to be located in side or rear yards, provided such shall not exceed six (6) feet in height, as measured from the ground level. Fence posts, corners, gateways, and wall piers and entryways may not exceed seven (7) feet in height.

ZONING NOTES:

- N/A

3 Finished Exterior Side. All fences or walls shall be constructed so that a finished side, with no fully exposed structurally supporting members, is located on the exterior facing outward away from the property upon which it is located.

ZONING NOTES:

- CONDITION OF APPROVAL = The applicant shall comply with this LDO requirement.

4 Materials. No fence or wall shall be constructed or installed with barbed wire, metal spikes, or topped with concertina or razor wire, broken bottles or similar materials so as to be dangerous to humans or animals. In addition, chain link fences are specifically prohibited in front yard in all zones.

ZONING NOTES:

- CONDITION OF APPROVAL = The applicant shall comply with this LDO requirement.

5 Drainage. Fences and decorative walls shall be constructed in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding, either on the property upon which such is located or on any adjacent lot. Those applying for a zoning permit to erect a fence or decorative wall may consult with the Township Engineer to ensure compliance with this provision.

ZONING NOTES:

- CONDITION OF APPROVAL = The applicant shall comply with this LDO requirement.

6 Obstruction. No fence shall be constructed within any sight triangle as defined in this article, or installed so as to constitute a hazard to traffic or public safety.

ZONING NOTES:

- CONDITION OF APPROVAL = The applicant shall comply with this LDO requirement.

7 Utility easement. Prior to installing a fence in a utility easement area, a property owner shall secure written approval from the appropriate utility company or appropriate public body. Evidence of approval shall be submitted as a prerequisite to issuance of a zoning permit.

ZONING NOTES:

- The submitted survey does not display any easements.

8 Retaining Walls. Any permitted wall proposed to be used as a retaining wall may be required to be reviewed by the Township Engineer prior to the issuance of a zoning permit.

ZONING NOTES:

- N/A

9 Exceptions. Fences or walls that constitute a permitted buffer area screen approved as part of a site plan application shall be excepted from the above height and location provisions. In addition, fencing required to enclose a tennis court shall be excepted from the above maximum height provisions. Said fence

shall not exceed twelve (12) feet in height, as measured from ground level, and may not be located within a required setback area.

ZONING NOTES:

- N/A

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

Zoning Board of Adjustment approvals is required.

The property remains in Zoning Violation.

*Returned to the applicant:

- One (1) copy of the Zoning Determination

Status

Approved

Denied

Referrals

Construction

HPC

Engineering

Planning Board

Zoning Board

Mercantile

Code Enforcement