

**ZONING REVIEW**

ID: 557348995

Date: 04/08/2022

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 checked="" 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:** 103 CARDINAL RD **Block:** 802 **Lot:** 8 **Zone:** R-2
2. **Applicant Name:** Shawn & Rachel Weston **Phone No.** [REDACTED] **Fax No.**  
**Applicant's Address:** 103 CARDINAL RD NEPTUNE, NJ 07753  
**Email:** [REDACTED]
3. **Property Owner Name:** FRENCH, RACHEL J **Phone No.** **Fax No.**  
**Property Owner's Address:** 103 CARDINAL RD NEPTUNE, NJ 07753  
**Email:**
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:**

04/08/2022 This zoning permit application submission consists of:

- One (1) zoning permit application with \$35 fee;
- Two (2) copies of the site plan with construction plans by Minkler Architecture & Design, dated 03-29-2022.

The property is located within the R-2 Zoning District.

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

In reviewing the submitted documentation, the applicant is proposing work in reference to:

- Nonconforming uses, structures, and lots;
- Bulk Regulations: R-2;
- Entry Platform Requirements;
- 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 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 comply with the current Land Development Ordinance requirements. The residential addition constructed without first acquiring zoning approval encroaches onto the neighboring property.
- The existing front Porch is nonconforming as it does not comply with the current Land Development Ordinance requirements.
- The existing Projection (Chimney) is nonconforming as it does not comply with the current Land Development Ordinance requirements.
- The applicant/property owner certifies 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 applicant indicates the proposed extension of the Nonconforming Projection (Chimney). The applicant does not demonstrate compliance with this Land Development Ordinance requirement. 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 applicant indicates the proposed extension of the Nonconforming Projection (Chimney). Therefore abandoning the existing Nonconforming Projection (Chimney) and expanding, creating a new Nonconforming**

**Projection (Chimney). The applicant does not demonstrate compliance with this Land Development Ordinance requirement. 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.

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.

**ZONING NOTES:**

**- The applicant indicates the proposed horizontal and vertical extension of the Nonconforming Principal structure. The proposed residential addition does not exacerbate the existing nonconforming setbacks.**

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.

**ZONING NOTES:**

- N/A

## **Zoning Schedule B: R-2;**

Zoning Schedule B for the R-2 Zoning District states:

Minimum Lot Area: 10,000 Square Feet

### **ZONING NOTES:**

- The applicant indicates the lot area to be 5,000 Square Feet.

Minimum Lot Width: 100 Feet

### **ZONING NOTES:**

- The applicant indicates the Lot Width to be 50 Feet.

Minimum Lot Frontage: 100 Feet

### **ZONING NOTES:**

- The applicant indicates the Lot Frontage to be 50 Feet.

Minimum Lot Depth: 100 Feet

### **ZONING NOTES:**

- The applicant indicates the Minimum Lot Depth to be 100 Feet.

Front Yard Setback: 25 Feet

### **ZONING NOTES:**

- The applicant indicates the proposed Front Yard Setback to be 26.3 Feet.

Side Yard Setback: 10 Feet

### **ZONING NOTES:**

- The applicant indicates existing and proposed Side Yard Setback to be 3.5 Feet.

Combined Side Yard Setback: 25 Feet

### **ZONING NOTES:**

- The applicant indicates the existing and proposed Combined Side Yard Setback to be 13.5 Feet.

Rear Yard Setback: 30 Feet

### **ZONING NOTES:**

- The applicant indicates the existing and proposed Rear Yard Setback to be 36.5 Feet.

Maximum Percent Building Cover: 30%

**ZONING NOTES:**

- The applicant indicates the proposed Building Coverage to be 27.5%.
- The applicant did not provide a copy of their building coverage calculations.

Maximum Percent Total Lot Cover: 40%

**ZONING NOTES:**

**- The applicant indicates the proposed Total Lot Coverage to be 45.88%.**

**- On the submitted site plans the applicant indicates "Wood deck has been removed since the time of the original survey. In place of the Deck a covered rear Entry Platform had been constructed without first acquiring zoning approval, increasing the Total Lot Coverage more than the maximum permitted. The applicant does not demonstrate compliance with the Land Development Ordinance requirements. A variance is required from the Zoning Board of Adjustment.**

**- The applicant did not provide a copy of their building coverage calculations.**

Maximum Number of Stories: 2.5

**ZONING NOTES:**

- The applicant indicates the proposed Number of Stories to be 2.5.

Maximum Building Height: 35 Feet

**ZONING NOTES:**

- The applicant indicates the proposed mean building height, as defined in the Land Development Ordinance, to be 25.25'.

**Entry Platform Requirements;**

Land Development Ordinance section 411.07A-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 project six (6) feet into a required front yard and not more than four (4) feet into any required side yard.

**ZONING NOTES:**

- On the submitted site plans the applicant indicates "Wood deck has been removed since the time of the original survey. In place of the Deck a covered rear Entry Platform had been constructed without first acquiring zoning approval, increasing the Total Lot Coverage more than the maximum permitted.

- The constructed Entry Platform is not more than six (6) feet in height above the average finish grade, nor greater than fifty (50) square feet in area. The constructed Entry Platform does not encroach into any setback areas.

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

Land Development Ordinance section 418-A 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.

**ZONING NOTES:**

- The applicant indicates the proposed expansion of a Nonconforming Projection (Chimney). The aggregate area covered by the Nonconforming Projection (Chimney) does not exceed 20% of the area of the roof of the building of which they are a part.

- The applicant indicates the height of the Nonconforming Projection (Chimney) does not exceed fifteen (15) feet above the level of the roof.

- The applicant indicates the Nonconforming Projection (Chimney) shall be constructed of a material and design in harmony with that of the main walls of the building of which they are a part.

**The applicant does not demonstrate compliance with the Land Development Ordinance requirements. Variances are required for the proposed expansion of the Nonconforming Projection (Chimney), and for the expansion of the Total Lot Coverage.**

**Zoning Board of Adjustment and Construction  
Department approvals are required.**

**Status**

Approved

Denied

**Referrals**

Construction

HPC

Engineering

Planning Board

Zoning Board

Mercantile

Code Enforcement