



Fee Date: 10/23/2020  
Check #:  
Cash: 0

**ZONING PERMIT**

ID: 553559402

Date: 10/23/2020

Fee: \$ 35.00

**PROPOSED WORK**

Adding a New Use to a Property	Home Occupation	Private Garage
Air Condensor Unit(s)	Interior Remodel - Comm / Res	✓ Residential Addition
Commercial Addition	New Accessory Structure	Signs
Continuing/Changing Use	New Commercial Business	Solar
Deck/Balcony	New Ownership of Property/Business	Storage Shed
Driveway / Sidewalk / Apron	New Residence	Swimming Pool/Hot Tub
Fence/Retaining Wall	Porch	Zoning Determination
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:** 245 MYRTLE AVE **Block:** 605 **Lot:** 8 **Zone:** R-4
2. **Applicant Name:** MCGHEE, RINNETTA **Phone No.** [REDACTED] **Fax No.**  
**Applicant's Address:** 1502 SPRINGWOOD AVE ASBURY PARK, NJ 07712  
**Email:** [REDACTED]
3. **Property Owner Name:** MCGHEE, RINNETTA **Phone No.** [REDACTED] **Fax No.**  
**Property Owner's Address:** 1502 SPRINGWOOD AVE ASBURY PARK, NJ 07712  
**Email:** [REDACTED]
4. **Present Approved Zoning Use of the Property:** Nonconforming Two Family Residence
5. **Proposed Zoning Use of the Property:** Nonconforming Four 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.**

"The current property is zoned for 2 units. I am requesting it be zoned for 4 units. When the property was purchase back in 2001 -- the previous property owner rented 2 of the units and remodeled a detached garage for a office which included a kitchen, bathroom, and bedroom. He essentially was using it as an apartment. There is also a basement unit. The previous property owner fixed the apartment up for his sister to utilize as a residence. I am not requesting to reconstruct the detached garage or the basement unit. I am basically requesting to remodel the unit. I am not looking to

construct any additional structures on the property. I am not looking to change any of the existing buildings."

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: Zoning 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:**

10/23/2020 **This zoning permit application consists of:**

**- One (1) copy of the Zoning Permit Application;**

**The property is located within the R-4 Zoning District. The present Zoning Use of the Property is a Nonconforming Two Family Residence.**

The applicant describes the proposed work in detail:

"The current property is zoned for 2 units. I am requesting it be zoned for 4 units. When the property was purchase back in 2001 -- the previous property owner rented 2 of the units and remodeled a detached garage for a office which included a kitchen, bathroom, and bedroom. He essentially was using it as an apartment. There is also a basement unit. The previous property owner fixed the apartment up for his sister to utilize as a residence. I am not requesting to reconstruct the detached garage or the basement unit. I am basically requesting to remodel the unit. I am not looking to construct any additional structures on the property. I am not looking to change any of the existing buildings."

**The applicant is proposing work in reference to:**

**- Zoning Permit Application Information Sheet;**

**- Definitions;**

**- Nonconforming Uses Structures, And Lots.**

## **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. Surveys 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 as indicated on the zoning permit application information sheet. There are copies of the property Survey or Site Plan within the Zoning Permit File.**

**- The applicant did not submit the required construction plans as indicated on the zoning permit application information sheet. There are copies of Construction Plans within the Zoning Permit File.**

### **Definitions:**

***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.

***basement*** - Any area of a building having its floor located at or below a grade level on all sides.

***board of jurisdiction*** – The Planning Board of the Zoning Board of Adjustment, as the case may be.

***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.

***dwelling unit*** – A building or entirely self-contained portion thereof intended or designed for non-transient residential use of a single housekeeping unit, (A) separated from all other spaces by lockable doors, (B) having access to the outside without crossing another dwelling, (C) having any cooking facilities, fixed or portable, or food refrigeration facilities, and (D) having any sanitary facilities. A house trailer, a boarding or

rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, or other similar structure shall not be deemed to constitute a dwelling unit.

***dwelling unit, apartment*** – Either, (a) a dwelling unit within a multi-family dwelling (see definition for dwelling, multi-family); or (b) a dwelling unit fully contained within the same building that is also designed, arranged, occupied, maintained and/or devoted to a nonresidential use(s). The term “apartment” shall be synonymous with “apartment dwelling unit”. [NOTE: The previous definition has been amended per Ordinance No. 03-035]

***dwelling unit, rehabilitated*** - A previously substandard dwelling unit, as further defined herein, which has undergone significant renovation to meet municipal or other applicable housing code standards. Upon rehabilitation of a substandard dwelling unit, housing deficiencies shall be corrected and the house shall be brought up to code standard. The standard for evaluating rehabilitation activity of a substandard dwelling unit shall be the local property maintenance code, or, if none is available, the BOCA Property Maintenance Code, in effect at the time of evaluation. The rehabilitation activity shall not include luxury improvements, the purchase of appliances (with the exception of stoves) or improvements that are strictly cosmetic. A rehabilitated unit is considered complete at the date of final inspection.

***dwelling unit, single-family detached*** - A structure containing a single housekeeping unit that is not attached to any other dwelling unit by any means.

***dwelling unit, substandard*** - A dwelling unit with health and safety code violations that require the repair or replacement of a major system. A major system shall include weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load bearing structural system.

***dwelling unit, two-family*** – A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

***dwelling, multi-family*** – A building containing three (3) or more dwelling units, including units that are located one over the other.

***improvement*** - any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction or installation.

***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.

***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.

*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.

*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:

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 applicant did not submit the required surveys/site plans as indicated on the zoning permit application information sheet. There are copies of the property Survey or Site Plan within the Zoning Permit File.**

**- The applicant did not submit the required construction plans as indicated on the zoning permit application information sheet. There are copies of Construction Plans within the Zoning Permit File.**

**- The existing use of the property is nonconforming as it is not a listed permitted use within the R-4 Zoning District.**

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 Nonconforming Two Family Residence use of the property has been expanded as it is now being utilized as a Nonconforming Four Family Residence. The applicant has indicated that zoning approval has not been acquired for the Nonconforming Four Family Residence use. Zoning Board of Adjustment approval is required to maintain the Nonconforming Four Family Residence 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 Nonconforming Two Family Residence use of the property has been abandoned. The use of the property has been expanded as it is now being utilized as a Nonconforming Four Family Residence. The applicant has indicated that zoning approval has not been acquired for the Nonconforming Four Family Residence use. Zoning Board of Adjustment approval is required to maintain the Nonconforming Four Family Residence use.**

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.
- 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 did not submit the required surveys/site plans as indicated on the zoning permit application information sheet. There are copies of the property Survey or Site Plan within the Zoning Permit File.**

**- The applicant did not submit the required construction plans as indicated on the zoning permit application information sheet. There are copies of Construction Plans within the Zoning Permit File.**

**- The Nonconforming Two Family Residence use of the property has been expanded as it is now being utilized as a Nonconforming Four Family Residence. The applicant has indicated that zoning approval has not been acquired for the Nonconforming Four Family Residence use. Zoning Board of Adjustment approval is required to maintain the Nonconforming Four Family Residence use.**

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:**

**- In the detailed description the applicant states: "The current property is zoned for 2 units. I am requesting it be zoned for 4 units. When the property was purchase back in 2001 -- the**

previous property owner rented 2 of the units and remodeled a detached garage for a office which included a kitchen, bathroom, and bedroom. He essentially was using it as an apartment. There is also a basement unit. The previous property owner fixed the apartment up for his sister to utilize as a residence. I am not requesting to reconstruct the detached garage or the basement unit. I am basically requesting to remodel the unit. I am not looking to construct any additional structures on the property. I am not looking to change any of the existing buildings."

- On 08-26-2002 the applicant submitted a letter of correspondence to the Zoning Officer, requesting to have the property zoned for three (3) units. On 08-27-2002 the Zoning Officer responded identifying the Nonconforming Two Family use, and indicating that a variance would be required to expand into a Nonconforming Three Family use.

- There is no record of approval for a Nonconforming Three Family Residence use.

- There is no record of approval for a Nonconforming Four Family Residence use.

- Zoning Board of Adjustment approval is required.

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

Zoning Board of Adjustment approval is required.

\* 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 ✓