



Fee Date: 08/12/2021  
Check #: 375  
Cash: 0

**ZONING REVIEW**

ID: 555560561

Date: 08/16/2021

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 checked="" type="checkbox"/> Storage Shed |
| <input checked="" 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    |
| 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.**

- Location of property for which zoning permit is desired:  
Street Address: 1427 07TH AVE Block: 410 Lot: 31 Zone: R-4
- Applicant Name: BEAUBRUN, GLORIUS & MAGALIE Phone No. [REDACTED] Fax No. [REDACTED]  
Applicant's Address: 1427 07TH AVENUE NEPTUNE, NJ 07753  
Email:
- Property Owner Name: BEAUBRUN, GLORIUS & MAGALIE Phone No. [REDACTED] Fax No. [REDACTED]  
Property Owner's Address: 1427 07TH AVENUE NEPTUNE, NJ 07753  
Email:
- Present Approved Zoning Use of the Property: Detached Single Family Residence
- Proposed Zoning Use of the Property: 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.
- 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:**

**08/16/2021 ZONING VIOLATION REMEDIATION:**

The applicant has submitted this Zoning Permit Application to remediate zoning violations issued on the property.

**ZONING VIOLATIONS NOTED:**

- Construction of a Driveway without first acquiring zoning approval.
- Disturbance of land without first acquiring Department of Engineering approval.

This zoning permit application submission consists of:

- One (1) Zoning Permit Application with fee;
- Two (2) copies of the Survey of Property by Morgan Engineering dated 10-11-2017;
- Two (2) copies of the Survey of Property by Morgan Engineering dated 07-29-2021.

The applicant/property owner does not indicate if the premises has been the subject of any prior application to the Zoning Board of Adjustment or Planning Board.

The property is located within the R-4 Zoning District.

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

Work has been performed in reference to:

- Zoning Permit Application Information Sheet;
- Nonconforming Uses, Structures, And Lots;
- Driveway Design Standards;
- Storage Shed Requirements;
- Total lot Coverage Requirements;

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 construction plans as indicated on the zoning permit application information sheet. The applicant constructed a new Storage Shed in the front yard area. The applicant did not submit the required construction plans displaying compliance/noncompliance with the Land**

# Development Ordinance requirements pertaining to the Storage Shed.

## **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 Principal Structure is nonconforming as it does not comply with the current Land Development Ordinance requirements.
- The Driveway is nonconforming as it does not comply with the current Land Development Ordinance requirements.
- The Storage Shed is nonconforming as it does not comply with the current Land Development Ordinance requirements.
- The applicant/property owner does not indicate if the premises has 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.

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.

## **ZONING NOTES:**

**- In accordance with Land Development Ordinance section 422 the applicant abandoned the prior Nonconforming Driveway by removing it and then constructing the new Nonconforming Driveway without first acquiring zoning approval. The new Nonconforming Driveway does not comply with the Setback, and Size requirements as identified in Land Development Ordinance section 505. The applicant does not demonstrate compliance with the Land Development Ordinance. The applicant does not present any intended remediation action of the**

**noncompliance. Zoning Board of Adjustment approval is required.**

**- In accordance with Land Development Ordinance section 422 the applicant abandoned the prior Nonconforming Storage Shed by removing it and then constructing the new Nonconforming Storage Shed without first acquiring zoning approval. The new Nonconforming Storage Shed does not comply with the Setback requirements as identified in Land Development Ordinance section 411.11. The applicant does not demonstrate compliance with the height requirements as well. The applicant does not present any intended remediation action of the noncompliance. Zoning Board of Adjustment approval is required.**

## **Driveway Design Standards;**

Land Development Ordinance section 505 states:

- 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.
- 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.
- 4 Width. The width of driveways shall be based on the following:  
(Refer to TABLE 5.2: DRIVEWAY WIDTH REQUIREMENTS)

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

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.

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.

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:**

**- A zoning violation has been issued for the construction of a Driveway without first acquiring zoning approval.**

**- The Driveway is nonconforming as it does not comply with the current Land Development Ordinance requirements.**

**- The Department of Engineering did not approved for the land disturbance creating the Nonconforming Driveway.**

**- There are no zoning permit file records of approval for the construction of the prior Nonconforming Driveway, and for the recent Nonconforming Driveway constructed without permits.**

**- In accordance with Land Development Ordinance section 422 the applicant abandoned the prior Nonconforming Driveway by removing it and then constructing the new Nonconforming Driveway without first acquiring zoning approval. The new Nonconforming Driveway does not comply with the Setback, and Size requirements**

**as identified in Land Development Ordinance section 505. The applicant does not demonstrate compliance with the Land Development Ordinance. The applicant does not present any intended remediation action of the noncompliance. Zoning Board of Adjustment approval is required.**

**- ZONING VIOLATION REMEDIATION ACTION REQUIRED: Removal of the Nonconforming Driveway and its use from the property, until Zoning Board of Adjustment approval is acquired.**

### **Storage Shed Requirements;**

Land Development Ordinance section 411.11 states:

Private residential storage sheds shall comply with the following regulations:

- A Size. No shed shall exceed 175 square feet in floor area.
- B Height. No shed shall exceed fifteen (15) feet in height.
- C Location. No shed shall be located in a front yard.
- D Setback. Sheds may be placed no closer than five (5) feet from a side or rear property line, except in historic zone districts. Sheds in historic zone districts must conform to principal building setback requirements.
- E Quantity. No more than one (1) tool shed per lot shall be permitted, except that on lots 12,500 square feet or larger two (2) tool sheds may be permitted.

### **ZONING NOTES:**

**- A zoning violation has been issued for the construction of a Storage Shed without first acquiring zoning approval.**

**- The Storage Shed is nonconforming as it does not comply with the current Land Development Ordinance requirements.**

**- There are no zoning permit file records of approval for the construction of the prior Nonconforming Storage Shed, and for the recent**



**Nonconforming Storage Shed constructed without permits.**

**- In accordance with Land Development Ordinance section 422 the applicant abandoned the prior Nonconforming Storage Shed by removing it and then constructing the new Nonconforming Storage Shed without first acquiring zoning approval. The new Nonconforming Storage Shed does not comply with the Setback requirements as identified in Land Development Ordinance section 411.11. The applicant does not demonstrate compliance with the height requirements as well. The applicant does not present any intended remediation action of the noncompliance. Zoning Board of Adjustment approval is required.**

**- ZONING VIOLATION REMEDIATION ACTION REQUIRED: Removal of the Nonconforming Storage Shed and its use from the property, until Zoning Board of Adjustment approval is acquired.**

**Total Lot Coverage;**

The R-4 Bulk Regulations state:

Maximum Percent Total Lot Cover: 65%

**ZONING NOTES:**

**- A zoning violation has been issued for Changes to the Total Lot Coverage without first acquiring zoning approval.**

**- The applicant did not complete item 8 on the zoning permit application identifying the coverage. The applicant did not provide a copy of**

the coverage calculations, as indicated on the zoning permit application and on the zoning permit application information sheet.

- The applicant does not demonstrate compliance with the Land Development Ordinance Bulk Regulations for the R-2 Zoning District.

- ZONING VIOLATION REMEDIATION ACTION REQUIRED: Removal of the impervious coverage improvements on the property that did not receive zoning approval until zoning approval is acquired.

The applicant does not demonstrate compliance with the Land Development Ordinance requirements.

This zoning permit application is denied.

Zoning Board of Adjustment is required to construct the above indicated nonconforming structures.

The property remains in zoning violation.

## ZONING VIOLATION REMEDIATION ACTION REQUIRED:

- Removal of the Nonconforming Driveway and its use from the property, until Zoning Board of Adjustment approval is acquired.

**- Removal of the Nonconforming Storage Shed and its use from the property, until Zoning Board of Adjustment approval is acquired.**

**- Removal of the impervious coverage improvements on the property that did not receive zoning approval until zoning approval is acquired.**

**Failure to comply with the above indicated ZONING VIOLATION REMEDIATION ACTION REQUIRED by August 30, 2021 shall result in the continued enforcement of the Land Development Ordinance.**

**Status**

Approved

Denied ✓

**Referrals**

Construction

HPC

Engineering ✓

Planning Board

Zoning Board ✓

Mercantile

Code Enforcement