



Fee Date:
Check #: 2161
Cash: 0

ZONING REVIEW

ID: 558211822

Date: 07/20/2022

Fee: \$ 35.00

PROPOSED WORK

- Adding a New Use to a Property
- Air Condensor Unit(s)
- Commercial Addition
- Continuing/Changing Use
- Deck/Balcony
- Driveway / Sidewalk / Apron
- Fence/Retaining Wall
- Other: _____
- Home Occupation
- Interior Remodel - Comm / Res
- New Accessory Structure
- New Commercial Business
- New Ownership of Property/Business
- New Residence
- Porch
- Private Garage
- Residential Addition
- Signs
- Solar
- Storage Shed
- Swimming Pool/Hot Tub
- Zoning Determination

The Neptune Township Zoning Map, Land Development Ordinance and its amendments can be found online at www.neptunetownship.org/departments/land-use.

ALL APPLICATIONS WITHIN THE HISTORIC DISTRICT REQUIRE HPC APPROVAL.

IF ANY OF THE REQUESTED INFORMATION IS SUBMITTED INCOMPLETE, THEN THIS APPLICATION SHALL BE RETURNED UNPROCESSED.

1. Location of property for which zoning permit is desired:
Street Address: 408 MORRISEY RD Block: 5002 Lot: 6 Zone: R-3
2. Applicant Name: MAGISTRO,ELIZABETH M&BELLER,ANGELA Phone No. [REDACTED] Fax No. [REDACTED]
Applicant's Address: 408 MORRISEY ROAD NEPTUNE, NJ 07753
Email: [REDACTED]
3. Property Owner Name: MAGISTRO,ELIZABETH M&BELLER,ANGELA Phone No. [REDACTED] Fax No. [REDACTED]
Property Owner's Address: 408 MORRISEY ROAD NEPTUNE, NJ 07753
Email: [REDACTED]
4. Present Approved Zoning Use of the Property: Nonconforming Two Family Residence
5. Proposed Zoning Use of the Property: Nonconforming Two 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: 22.24 %

Lot Coverage: 29.77 % (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:

07/20/2022

The applicant indicates the property address to be "408 + 408 1/2 Morrissey Rd". This is inaccurate. The correct property address is 408 Morrissey Road.

The applicant indicates the Zone (Zoning District) to be "A-1". This is inaccurate. Indicating the Zone (Zoning District) of the property is pertinent information in the zoning review process. The property is located within the R-3 Zoning District.

The applicant indicates the present zoning use of the property to be "residential", and the proposed zoning use of the property to be "Addition/Alteration". This is inaccurate. The applicant does not clearly identify the zoning use of the property to be a permitted Detached Single Family Residence or a Nonconforming Two/Multi Family Residence. Indicating the zoning use of the property is pertinent information in the zoning review process. The zoning permit files identify the zoning use of the property to be a Nonconforming Two Family Residence.

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

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

- Nonconforming Uses, Structures, And Lots;

- Porch, Deck, Balcony Requirements;

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.

B No existing use, structure or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, unless it is changed to a conforming use or structure as follows:

1 Any non-conforming structure or use damaged to less than fifty per cent (50%) of its previous existing area or value by fire or other natural calamity, may be restored, reconstructed or used as before, provided the area of such use or structure shall not exceed the area which existed prior to such damage nor increase the intensity of use. All repairs shall be completed within one (1) year after damages occur, or within such time extensions granted by the Zoning Officer, which can only be granted upon good cause being shown by the applicant, or such use shall not be rebuilt except as a conforming use.

2 Normal maintenance and repair of a structure containing a non-conforming use is permitted, provided that it does not extend the area or volume of space occupied by the non-conforming use or structure and does not increase the intensity of use. Nothing in this section shall prevent the restoring to a safe or lawful condition any part of any structure declared unsafe by the Construction Official.

3 A building containing residential non-conforming use may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of bedrooms or dwelling unit.

C Non-conforming uses and structures are considered terminated and shall not be revived in any way except as a conforming use or structure in accordance with the following:

1 A non-conforming use or structure abandoned in accordance with this Ordinance and accompanied by an intent on the part of the owner to abandon such use as evidenced by some act or failure to act which carries with it a sufficient implication that the owner neither claims or retains any interest in the subject matter of the abandonment shall be considered a termination thereof. Such implication shall be reputably presumed by non-use for any period of two (2) or more years. Non-use by successive owners shall be considered continuous non-use.

2 The change of a non-conforming use or structure to a more or entirely conforming use for any period of time shall be considered an abandonment of the previous non-conforming use, and a reversion to the previous non-conforming use shall not be permitted.

3 A non-conforming structure or use which has fifty percent (50 %) or more of its non-conforming area or value destroyed by fire or natural calamity shall be considered an abandonment thereof.

D A nonconforming structure may not be enlarged, extended, increased in height, width or depth, moved or relocated, modified in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms; unless such structure is changed to a structure conforming to the requirements of this Chapter except that an existing one family structure may be rebuilt, enlarged, extended or added to provided:

1 The enlargement, extension or addition conforms to all zone requirements; or

2 The portion of the enlargement, extension or addition which does not conform to zone requirements consists entirely of the enclosure of existing side or rear porches.

3 Where a structure is nonconforming solely because it intrudes on the current required yard area.

A If the proposed horizontal addition to that building would not protrude into that required yard area, then the Zoning Official can issue the permit and no application to the Board of Adjustment is necessary.

B If a proposed vertical addition would be located within the building envelope or existing building footprint (and assuming no violation of height restriction or other ordinance provision), the Zoning Official may also issue a permit for such vertical expansion provided that the addition would not exacerbate the nonconformity.

4 An existing one-family structure located in a residential district destroyed by fire or other natural calamity may be rebuilt provided the new structure complies with all zone requirements relating to setbacks and height; however, the existing lot need not comply with minimum lot width, depth and area requirements where the existing condition is non-conforming.

E The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply for, in writing, the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the responsibility of affirmatively proving the preexisting nonconforming use or structure. Application pursuant hereto may be made to the Zoning Board of Adjustment Administrative Officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Zoning Board of Adjustment.

F Any parcel of land with an area or width less than that prescribed for a lot in the zone in which the lot is located may be used as a lot for any purpose permitted in the zone, if:

1 at the time of and since the adoption of the zoning ordinance making such lot nonconforming, the owner of the lot did not own adjoining property.

2 all other regulations prescribed for the zone are or can be complied with.

[NOTE: Added per Ordinance No. 08-03]

[NOTE: The previous section, §422, has been renumbered per Ordinance No. 03-035; prior section number assignment was §421]

ZONING NOTES:

- The existing zoning use of the property is nonconforming as it does not comply with the current Land Development Ordinance requirements.
- The Principal Structures on the property are nonconforming as they do not comply with the current Land Development Ordinance requirements.
- The applicant/property owner does not indicate if the premises has ever been the subject of any prior application to the Zoning Board of Adjustment or Planning Board.

- The applicant indicates the proposed expansion of the nonconforming use and structure by adding a second story onto the rear nonconforming residential structure. The applicant does not demonstrate compliance with the Land Development Ordinance requirements. A variance is required from the Zoning Board of Adjustment.

Porch, Deck, Balcony Requirements;

ZONING NOTES:

- The applicant indicates the proposed construction of a Porch attached to the front nonconforming residence.

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

This zoning permit application is denied.

Status

Approved

Denied

Referrals

Construction

HPC

Engineering

Planning Board

Zoning Board

Mercantile

Code Enforcement