



Fee Date: 09/08/2023  
Check #: 10729  
Cash: 0

**ZONING REVIEW**

ID: 562729078

Date: 09/08/2023

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 checked="" 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 type="checkbox"/> Fence/Retaining Wall                   | <input checked="" 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](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: 171 HILLSIDE DR Block: 4915 Lot: 1 Zone: R-3

2. Applicant Name: SINKOVICH, ARIANNA & ALEXANDER Phone No. [REDACTED] Fax No.

Applicant's Address: 171 HILLSIDE DRIVE NEPTUNE, NJ 07753

Email: maikins@aikinslaw.com

3. Property Owner Name: SINKOVICH, ARIANNA & ALEXANDER Phone No. [REDACTED] Fax No.

Property Owner's Address: 171 HILLSIDE DRIVE NEPTUNE, NJ 07753

Email: maikins@aikinslaw.com

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)

**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 existing Driveway is non-conforming as it does not comply with the current Neptune Township Land Development Ordinance requirements.

**- The Structural Retaining Wall on the perimeter of the Nonconforming Driveway is nonconforming as it does not comply with the current Neptune Township Land Development Ordinance requirements. Investigation reveals that the Nonconforming Structural Retaining Wall was constructed sometime between 04-16-2016 and 10-26-2017. Research of the zoning permit file indicates no zoning approval had been granted to construct the Nonconforming Structural Retaining Wall.**

- The applicant/property owner certifies that the premises has not been the subject of any prior application to a Board of Jurisdiction (Zoning Board of Adjustment or Planning Board). The applicant/property owner is aware that the Zoning Board of Adjustment and the Planning Board are independent administrative municipal agencies with the ability to adjudicate requests to deviate from the established Land Development Ordinance. Any variances granted by a Board of Jurisdiction (Zoning Board of Adjustment and Planning Board) run with the life of the property.

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 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 demolition of the Nonconforming Driveway.

**- The applicant indicates the proposed demolition of the Nonconforming Structural Retaining Wall.**

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]

**Zoning Schedule B for the R-3 Zoning District states:**

Minimum Lot Area: 7,500 Square Feet

**ZONING NOTES:**

- The applicant indicates the Lot Area to be 11,770 Square Feet.

Minimum Lot Width: 75 Feet

**ZONING NOTES:**

- The applicant indicates the Lot Width to be 106.5 Feet.

Minimum Lot Frontage: 75 Feet

**ZONING NOTES:**

- The applicant indicates the Lot Frontage to be 111.44 Feet.

Minimum Lot Depth: 100 Feet

**ZONING NOTES:**

- The applicant indicates the proposed Minimum Lot Depth to be 128.2 Feet.

Front Yard Setback: 20 Feet

**ZONING NOTES:**

- The applicant indicates the proposed Front Yard Setback to be 20.82 Feet.

Side Yard Setback: 10 Feet

**ZONING NOTES:**

- The applicant indicates the existing and proposed Side Yard Setback to be 10.1 Feet.

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Combined Side Yard Setback: 20 Feet

**ZONING NOTES:**

- The applicant indicates the proposed Combined Side Yard Setback to be 43.87 Feet.

Rear Yard Setback: 30 Feet

**ZONING NOTES:**

- The applicant indicates the proposed Rear Yard Setback to be 54.2 Feet.

Maximum Percent Building Cover: 30%

**ZONING NOTES:**

- The applicant indicates the proposed Building Coverage to be 14.81%.

Maximum Percent Total Lot Cover: 45%

**ZONING NOTES:**

- The applicant indicates the proposed construction of new walkways.
- The applicant indicates the proposed Total Lot Coverage to be 21.30%.

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 certifies the proposed Building Height, as defined in the Land Development Ordinance, to be 25.1 Feet.

**Porch, Deck and Balcony Requirements;**

Neptune Township Land Development Ordinance section 411.07A-B states:

B Deck setbacks. For single family residential structures, a deck may extend no more than eight (8) feet into the required front setback area, provided the principal structure conforms to the front yard setback requirement. For single family residential structures, a deck may extend no further than fifteen (15) feet into a required rear yard setback area, provided the principal structure conforms to the rear yard setback requirements. In no instance shall a deck be closer than ten (10) feet to a front, rear or side lot line. No deck for a residential structure may extend into a side setback area. No deck associated with a multi-family residential use may extend into any required setback area.

[NOTE: Amended per Ordinance No. 13-17]

**ZONING NOTES:**

- The applicant indicates the proposed construction of a new rear deck. The applicant indicates the proposed deck does not encroach into any setback areas.

Neptune Township Land Development Ordinance section 411.07A-C states:

Porch setbacks. For residential structures, a porch may extend no more than eight (8) feet into the required front and/or rear setback area, provided the principal structure conforms to the front yard setback requirement. No porch for a residential structure may extend into a side setback area. No porch associated with any multi-family residential use may extend into any setback area. The front yard setback of a porch shall not be considered the front yard setback of the principal building to which it is attached.

[NOTE: Amended per Ordinance No. 13-17]

**ZONING NOTES:**

- The applicant indicates the proposed construction of a new front porch. The applicant indicates the proposed porch does not encroach into any setback areas.

**Driveway Design Standards;**

Neptune Township 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.

**ZONING NOTES:**

- The applicant indicates the proposed driveway to be setback 59 feet from the intersecting lot lines at the corner.

- The applicant indicates the proposed driveway to be setback 34.44 feet and 59 feet from the side yard property lines.

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 NOTE:**

- To be reviewed and approved by the Township Engineer.

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

(REFER TO DIAGRAM)

**ZONING NOTES:**

- The applicant indicates the proposed driveway width to be 18 feet.

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

**ZONING NOTE:**

- To be reviewed and approved by the Township Engineer.

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 NOTE:**

- To be reviewed and approved by the Department of Public Works.

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 NOTE:**

- To be reviewed and 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:**

- The applicant does not indicate any proposed obstructions of the clear sight triangle.

The applicant is approved zoning for the above indicated construction. The above indicated structures are to be constructed as indicated on the stamped approved zoning plans. Any deviations shall void this zoning approval.

Department of Engineering and Construction Department approvals are required.

**Status**

Approved  Denied

**Referrals**

Construction  HPC  Engineering  Planning Board  Zoning Board  Mercantile  Code Enforcement

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