



Fee Date: 11/28/2023
Check #: 1694
Cash: 0

ZONING REVIEW

ID: 563794601

Date: 11/30/2023

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 checked="" 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 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 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.

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: 1230 CORLIES AVE Block: 516 Lot: 9 Zone: C-6
- Applicant Name: R + M Enterprises, LLC Phone No. [REDACTED] Fax No.
Applicant's Address: [REDACTED]
Email: [REDACTED]
- Property Owner Name: R AND M ENTERPRISES, LLC Phone No. Fax No.
Property Owner's Address: 1230 CORLIES AVENUE NEPTUNE, NJ 07753
Email:
- Present Approved Zoning Use of the Property: Nonconforming Detached Single Family Residence
- Proposed Zoning Use of the Property: Nonconforming 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:

11/30/2023

The applicant did not indicate the Zoning District in which the property is located. Indicating the correct Zoning District is pertinent to the zoning review process. The property is located within the C-7 Zoning District.

The applicant did not indicate the zoning use of the property. Indicating the correct zoning use of the property is pertinent to the zoning review process. The correct zoning use of the property is a Nonconforming Detached Single 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. The applicant is aware that the Board of Jurisdiction (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.

Zoning Permits;

Neptune Township Land Development Ordinance section 1102-A states:

- A When required. A zoning permit shall be issued prior to:
 - 1 The commencement or change of use of a property, building or structure;
 - 2 The occupancy of any building or structure;
 - 3 The construction, erection, reconstruction, alteration, conversion, or installation of any building or structure;

ZONING NOTES:

- On the zoning permit application, the applicant indicates the zoning permit application submission to be for interior remodeling (with the reduction of the number of bedrooms) only. In reviewing the submitted construction plans it appears the applicant omitted additional pertinent information. It appears the applicant is also proposing the reconstruction of a nonconforming front porch, construction of a new side Entry Platform, replacement of existing windows and doors, and generating new window openings.

- The submitted construction plans indicate that the applicant intends to perform reconstruction on an as required basis. This is unacceptable as the applicant is aware of Neptune Township Land Development Ordinance section 422. This zoning permit application is denied.

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 appropriate surveys/site plans with this zoning permit application submission. This zoning permit application is denied.

Nonconforming Uses, Structures, And Lots;

Land Development Ordinance section 422-A 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 use of the property is nonconforming as it does not comply with the current Land Development Ordinance requirements.

- The applicant did not provide the appropriate surveys/site plans with this zoning permit application submission. This zoning permit application is denied.

- 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.

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:

- The applicant indicates the proposed reconstruction of the Nonconforming front Porch. The applicant does not demonstrate compliance with the current Neptune Township Land Development Ordinance requirements. A variance is required from the Zoning Board of Adjustment. This zoning permit application is denied.

- The applicant indicates the proposed interior remodeling to the nonconforming structure containing a nonconforming use. The applicant indicates the proposed interior remodeling shall reduce the number of bedrooms from 3 to 2.

Porch, Deck and Balcony Requirements;

DEFINITIONS:

Porch - A roofed, open area attached to and with direct access to or from a building.

Porches and Decks (in all areas of Neptune Township other than the Historic District)

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

C 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.

ZONING NOTES:

- The applicant indicates the proposed reconstruction of the Nonconforming front Porch. The applicant does not demonstrate compliance with the current Neptune Township Land Development Ordinance requirements. A variance is required from the Zoning Board of Adjustment. This zoning permit application is denied.

Porches and Decks (in all areas of Neptune Township other than the Historic District)

Neptune Township Land Development Ordinance section 411.07A-C 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.

[NOTE: Amended per Ordinance No. 11-35]

ZONING NOTES:

- The applicant did not submit the appropriate surveys/site plans with this zoning permit application submission. The applicant does not demonstrate compliance with the Entry Platform requirements. This zoning permit application is denied.

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

This zoning permit application is denied WITHOUT referral to the Zoning Board of Adjustment.

Status

Approved Denied

Referrals

Construction HPC Engineering Planning Board Zoning Board Mercantile Code Enforcement