

Zoning Permit



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| ACCESSORY STRUCTURE (\$35) | <input checked="" type="checkbox"/> PORCH/DECK/BALCONY/ENTRY PLATFORM (\$35) |
| COMMERCIAL/RESIDENTIAL ADDITION (\$35) | RETAINING WALL (\$35) |
| CONTINUING THE USE/OCCUPANCY OF A PROPERTY, BUILDING OR STRUCTURE UNDER NEW BUSINESS/PROPERTY OWNERSHIP (\$35) | SIGN (\$35) |
| DRIVEWAY (\$35) | SOLAR PANEL (\$35) |
| FENCE (\$35) | STARTING/CHANGING A USE/OCCUPANCY OF A PROPERTY, BUILDING, OR STRUCTURE (\$35) |
| HISTORIC DISTRICT: AC UNIT/GENERATOR/EXHAUST FAN (\$35) | STORAGE SHED (\$35) |
| IMPERVIOUS COVERAGE (\$35) | SUBDIVISION (\$35) |
| INTERIOR REMODELING (\$35) | SWIMMING POOL/HOT TUB/TENNIS COURT (\$35) |
| NEW PRINCIPAL STRUCTURE (\$35) | ZONING DETERMINATION LETTER (\$35) |
| OTHER: _____ (\$35) | |

*Indicate location, height, and type of fence or wall on survey / plot plan.

PLEASE REVIEW THE ZONING PERMIT INFORMATION SHEET, AND ALL APPLICABLE LAND DEVELOPMENT ORDINANCE REQUIREMENTS, PRIOR TO COMPLETING THIS APPLICATION

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

As per the Neptune Township Land Development Ordinance Section 1102, a Zoning Permit shall be issued prior to the commencement or change of use of a property, building or structure; the occupancy of any building or structure; the construction, erection, reconstruction, alteration, conversion, or installation of any building or structure; or the issuance of a Certificate of Appropriateness, where applicable.

PLEASE NOTE: If any of the requested information is submitted incomplete, this application shall be returned, unprocessed.

PLEASE PRINT CLEARLY:

1. Block: 5213 Lot: 1 Zoning District: R-3
2. Property Address: 522 S RIVERSIDE DR
3. Current Property Owner Information:

| | | | |
|--|--|---------------------------------------|---------------------------------------|
| (AS IDENTIFIED ON THE TAX ASSESSORS RECORD) | | Applicant Information: | |
| Name: <u>ASHFORTH, HANK & GINA</u> | Name: <u>ASHFORTH, HANK & GINA</u> | Address: <u>522 S RIVERSIDE DRIVE</u> | Address: <u>522 S RIVERSIDE DRIVE</u> |
| <u>NEPTUNE, NJ 07753</u> | | <u>NEPTUNE, NJ 07753</u> | |
| Phone: <u>[REDACTED]</u> | | Phone: <u>[REDACTED]</u> | |
| Email Address: <u>[REDACTED]</u> | | Email Address: <u>[REDACTED]</u> | |
4. Present zoning use of the property: Detached Single Family Residence
5. Proposed zoning use of the property: Detached Single Family Residence Unchanged

Zoning Permit

6. Describe in detail all zoning related activities you are proposing.

(PROVIDE DETAILED DESCRIPTION ON ADDITIONAL PAGES IF NECESSARY)

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 #: _____

(SUBMIT A COPY OF THE RESOLUTION WITH THE BOARD SIGNED PLANS WITH THIS APPLICATION SUBMISSION)

8. For all exterior work pertaining to additions and accessory structures, excluding fences, please provide:

Building Coverage: 0 % Lot Coverage: 0 %

-----FOR OFFICE USE-----

Zoning Review Notes:

04/22/2024

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 R-3 Zoning District. For future reference, please consult the Neptune Township Zoning Map to accurately identify the relevant zoning district. You can access the Neptune Township Zoning Map at the following link: https://neptunetownship.org/sites/default/files/ZONINGMAP2021_color.pdf

Please note that this is indicated on the zoning permit application information sheet.

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 applicant is aware Neptune Township comprises numerous Zoning Districts, each permitting different types of uses. The residential Zoning Districts range from R-1 to R-5, HD-R-1, HD-R-2, and HD-O. While the R-5 and HD-R-2 Zoning Districts allow for Detached Single Family Residences, Two-Family Dwellings, and Multi-Family Dwellings, the R-1 through R-4, HD-R-1, HD-O Zoning Districts specifically permit Detached Single Family Residences. Consequently, if a Two-Family Dwelling or Multi-Family Dwelling is validly established within an R-1 to R-4, HD-R-1,

or HD-O Zoning District, it would be deemed nonconforming. It's crucial to recognize that if a use is validly nonconforming within a Zoning District, more restrictive regulations outlined in the Neptune Township Land Development Ordinances may apply concerning proposed work in the application submission. A review of the zoning permit file identifies the appropriate zoning use of the property to be a Detached Single Family Residence.

The applicant/property owner certifies that the premises has never been the subject of any prior application to a Board of Board of Jurisdiction (Zoning Board of Adjustment and/or Planning Board). The applicant/property owner is aware that the Zoning Board of Adjustment and the Planning Board function as independent administrative municipal agencies, possessing the authority to adjudicate requests for deviations from the established Land Development Ordinance.

Furthermore, the applicant/property owner recognizes that any variances granted by a Board of Jurisdiction (whether the Zoning Board of Adjustment or Planning Board) are binding throughout the property's existence. Such variances may include conditions and/or restrictions relating to the property's use and/or structures.

Zoning Permit;

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;
 - 4 Issuance of a Certificate of Appropriateness, where applicable.

ZONING NOTES:

- The applicant has submitted this zoning permit application submission indicating the proposed construction of a Deck attached to the rear of the Principal Structure.

Definitions;

Neptune Township Land Development Ordinance section 201 states:

Deck – An above grade, unroofed structure without walls that is attached to a residential dwelling unit, twelve (12") inches or more above grade.

Patio or Terrace – A level, landscaped, and/or surfaced area on a lot with a principal building and not covered by a permanent roof, less than twelve (12") inches above grade.

Impervious Coverage - Any structure, surface or improvement that reduces and or prevents infiltration into the surface shall be considered impervious; Driveways or other similar areas that experience loading that are constructed of open cell pavers or stone shall be considered impervious. Patios that are constructed at grade are impervious.

Decks that are twelve (12) inches or more above average grade shall be considered pervious. Porous paving, gravel, crushed stone, crushed shells and similar surfaces not utilized in driveways or other areas that experience heavy loading shall be considered pervious.

Open cell pavers shall be considered fifty percent (50%) pervious if filled with vegetation. Grass, lawns or other similar vegetation shall be considered pervious. Water area of pools shall not be counted as impervious.

[NOTE: Added per Ordinance No. 15-09]

Porch, Deck and Balcony Requirements;

Neptune Township Land Development Ordinance section 411.07 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 Deck extends 15' into the required rear yard setback. The applicant indicates the proposed Deck to be setback 10.7' and 23' from the side yard property lines.

Slope Regulations and Retaining Walls;

Neptune Township Land Development Ordinance section 421 states:

Slope Regulations and Retaining walls

A The purpose of these regulations is: (1) to minimize potential detrimental impacts that are associated with the disturbance of established vegetation on existing steep slopes; (2) to avoid creating new steep slopes where the potential for detrimental impacts are increased; and (3) to minimize potential detrimental impacts by regulating the scale, mass and location of retaining walls. Detrimental impacts means any adverse impact to: public safety and the general welfare; private or public property; or, any historic, cultural, scenic or other environmental resource caused by the destabilization of a slope area or retaining wall as a result of erosion slumping, runoff or other consequence.

B For the purposes of these regulations, "construction" shall mean any disturbance or improvement to land, including but not limited to buildings, structures, streets, driveways, parking areas, swimming pools, excavations, fill, grading, tree removal, stripping of vegetation and clearing, except that selective thinning of vegetation and site work approved by the approving authority for sidewalks and similar pedestrian ways, subsurface utility installations and drainage facilities shall not be considered construction.

C Steep slopes shall not be disturbed and retaining walls shall not be installed except where the applicant demonstrates that each disturbance and/or retaining wall is essential to the reasonable use of the property and that no adverse impact to adjoining properties will result from the proposed construction.

1 In the case of development applications before the Planning Board or the Zoning Board of Adjustment, the applicant shall submit a separate sheet as part of the overall development plan, identifying the extent of the steep slope disturbance and the use of retaining wall(s) and noting the justification(s) for the disturbance.

2 In the case of Zoning Permit Applications, the applicant shall submit a grading plan in accordance with the zoning permit requirements contained in Article XI of this Land Development Ordinance.

D Within any development, construction on steep slopes, as defined herein, shall be in accordance with the following provisions.

1 Construction on steep slopes of fifteen (15) percent or greater, but less than twenty-five (25) percent, shall be permitted in accordance with the following regulations:

a A maximum of thirty (30) percent of the total lot area in this slope category may be used for construction purposes; and,

b Construction shall not result in the creation of critical slope areas.

2 No construction shall be permitted in critical slope areas (slopes of 25 percent or greater) unless all of the following criteria are met:

a The total soil disturbance in the critical slope area of the lot is no greater than one (1) cubic yard;

b The total area of removal or disturbance of vegetation in the critical slope area of the lot is no greater than twenty-five (25) square feet;

c The increase in impervious ground cover in the critical slope area of the lot is no greater than twenty-five (25) square feet;

d The construction does not include the removal of any tree, having a diameter at point of measurement greater than eighteen (18) inches; and,

e The applicant must demonstrate that the proposed slope disturbance is essential to a reasonable use of property.

E Where construction will disturb steep sloped areas and areas abutting steep slopes, the plan shall provide the following design features, as applicable to the situation:

1 Any grading or disturbance in an area of steep slopes or in an area abutting a steep slope shall stabilize the soil as required to avoid detrimental impacts.

2 An area abutting a steep slope may be disturbed or completely removed, provided:

a The final grading does not result in a net increase in the total steep slope areas on the lot; and,

b The removed soil is redistributed on site and/or removed from the site in accordance with other township requirements.

3 The area along the top of a steep slope may be filled and a retaining wall(s) constructed, provided the retaining wall(s) and all other construction activities conform to regulations set forth herein.

F Landscape Retaining Wall Setback Requirement. Landscape retaining walls shall not be located closer to a property line than one half (1/2) the height of the wall.

G Maximum Height of Structural Retaining Walls

1 The maximum height of any structural retaining wall, section of structural retaining wall, or tier of a structural retaining wall, shall be no greater than eight (8) feet, unless in a front yard setback area, in which case the maximum height shall be no greater than four (4) feet.

2 Multiple, staggered or tiered walls shall be considered single walls unless the minimum horizontal distance between the top of any single section or tier and the base (toe) of the next higher section or tier is not less than one and one-half (1-1/2) times the height of the lower section or tier. If there are more than three (3) single sections or tiers, the minimum distance between the top of any single section or tier and the base (toe) of the next higher section or tier shall be not less than two (2) times the height of the lower section or tier.

3 A structural retaining wall shall not extend in height for more than one (1) foot above the natural or approved finished grade at its top, unless proper surface drainage requires a greater height.

4 Any combination of a structural retaining wall(s) and a safety fence shall not exceed twelve (12) feet.

H Location of Structural Retaining Walls

1 A structural retaining wall (top or bottom) shall be located no closer to a property line than the height of the wall or wall segment closest to the property line, and the applicant's engineer shall certify that a failure of the structural retaining wall will not have an adverse impact on any adjoining property or public

right-of-way.

2 Structural retaining walls shall not be located in any public rights-of-way or utility easements.

I Safety Requirements of Structural Retaining Walls. The top of any structural retaining wall, or tiered wall, with a height of greater than four (4) feet, shall be protected through the use of fencing with a minimum height of three (3) feet or, in the alternative provided safety concerns are adequately addressed, densely planted vegetation at 50% of the full growth screening.

J Design. A licensed structural or civil engineer shall design all structural retaining walls, with signed and sealed plans submitted for review and approval by the Construction Official, Borough Engineer, Planning Board Engineer or Zoning Board of Adjustment Engineer, whatever the case may be.

K Inspection. A licensed structural or civil engineer, at the cost of the applicant, shall inspect the construction of all structural retaining walls, and a signed and sealed certification that the wall has been properly constructed shall be submitted to the Construction Official upon completion of the wall.

ZONING NOTES:

- The applicant and/or their professionals have reviewed the Neptune Township Land Development Ordinances pertaining to slope regulations. The applicant and/or their professionals are aware that they are proposing construction in steep and critical slope areas. The applicant did not provide the appropriate plans demonstrating compliance with the proposed construction in the steep and critical slope areas. A variance is required from the Zoning Board of Adjustment to perform construction in the steep and critical slope areas. This zoning permit application is denied.

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

This zoning permit application is denied.

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Zoning Board of Adjustment approval is required.

Status

Approved Denied ✓

Referrals

Construction ✓ HPC Engineering ✓ Planning Board Zoning Board ✓ Mercantile Code Enforcement