

**RESOLUTION OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN,  
STATE OF NEW JERSEY APPROVING POLICIES AND PROCEDURES FOR  
STORM RELATED RECONSTRUCTION AND / OR ELEVATION OF NON-  
CONFORMING STRUCTURES (BULK DIMENSION NONCOMFORMITIES)  
AND NON-CONFORMING USES (TWO DWELLING UNITS IN ANY SINGLE-  
FAMILY ZONE)**

Resolution Number: 2013-107

Date: March 11, 2013

**WHEREAS**, in an effort to expedite the process of recovery from the impacts of Super Storm Sandy, the governing body wishes to adopt policies and procedures to assist non-conforming structures and uses in the rebuilding process.

**NOW THEREFORE, BE IT RESOLVED**, that the schedule of polices and procedure included and made part thereof is hereby approved by the governing body of the Borough of Lavallette.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Lavallette Zoning Officer.

**CERTIFICATION**

I, Christopher F. Parlow, Municipal Clerk of the Borough of Lavallette do hereby certify that the following is a true copy of a resolution adopted by the Governing Body of the Borough of Lavallette at their Caucus/Regular meeting held on the **11<sup>th</sup>** day of **March 2013**.

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Christopher F. Parlow  
Municipal Clerk

**SPECIAL INSTRUCTIONS FOR STORM RELATED RECONSTRUCTION AND  
/ OR ELEVATION OF NON-CONFORMING STRUCTURES (BULK DIMENSION  
NONCOMFORMITIES AND NON-CONFORMING USES (MULTI-DWELLING UNITS  
IN ANY SINGLE-FAMILY ZONE)**

In an effort to expedite the process of recovery from the impacts of Super Storm Sandy, the governing body adopts the following policies and procedures to assist non-conforming structures and uses in the rebuilding process. These policies and procedures are as follows and will remain in effect until rescinded or modified by the governing body:

1. The Lavallette Zoning and/or Construction Offices will determine whether your application can be approved by the Zoning Officer, qualifies for expedited planning board approval or requires a full-variance application hearing.

2. The Lavallette Zoning Officer is authorized to approve the following development applications for non-conforming structures or uses:

- A. For those properties that have satisfied the conditions provided in Section 6; zoning permits for repair and restoration of non-conforming structures and/or uses to Pre-Sandy condition may be granted by the Zoning Officer without the necessity of an application before the Planning Board.
- B. For those properties that have satisfied the conditions provided in Section 6; zoning permits for repair and restoration of non-conforming structures and/or uses to Pre-Sandy condition, in addition, to the elevation of the existing structure in accordance with elevations established in Chapter 31 and the height limitations established in Chapter 90 of the Borough Code may be granted by the Zoning Officer without the necessity of an application before the Planning Board. The Zoning Officer shall not reject an application for the increase in lot coverage in order to accommodate additional steps or stairways which may be required to meet minimum code requirements for ingress and egress so long as said steps or stairways do not encroach upon any side or rear set back requirement.

3. The Lavallette Zoning Officer is not authorized to approve the following development applications for non-conforming structures or uses and shall refer the applicant to the Lavallette Planning Board for expedited approval:

- A. For those properties that can not satisfy the conditions provided in Section 6 and wish to perform repairs and restoration of non-conforming structures and/or uses to Pre-Sandy condition.
- B. For those properties that can not satisfy the conditions provided in Section 6 and wish to perform repairs and restoration of non-conforming structures and/or uses to Pre-Sandy condition, in addition, to the elevation of the

existing structure in accordance with elevations established in Chapter 31 of the Borough Code.

- C. For those properties that wish to demolish an existing non-conforming structure or use and replace said structure or use with a new structure for the purpose of complying with the elevation requirements established in Chapter 31 of the Borough Code.

4. All other development applications for non-conforming structures or uses not covered in Sections 1 and 2 of this policy shall be denied by the Zoning Officer and referred to the Lavallette Planning Board for full variance hearing.

5. Expedited hearings are only for storm-damaged homes which are being repaired or homes only being elevated to meet FEMA levels. Normal approval procedures shall be followed for all other applications.

6. If the development application is for a non-conforming structure or non-conforming use, proof must be included with the development application that the structure or use is a legal pre-existing (prior to July 5, 1985, Ordinance No. 577 (1985-10)) non-conforming structure or use. Proofs include:

- a. Non-conforming use certification.
- b. A prior Planning Board application or resolution recognizing nonconformance.
- c. Tax information (available at Tax Office)
- d. A prior survey or site plan.
- e. Your property is listed on the Municipal Clerk Certification of Prior Planning Board Applications.
- f. Other acceptable proof in the Zoning Officer's sole discretion.

7. If a hearing is required, Zoning Permit Fees and Variance Fees if applicable are required, but escrow fees for professional services are waived if your application is approved for expedited hearing only.

8. For all applications which only involve raising your building to conform to or exceed FEMA ABFE's or BFE's for A or V Zones, your supporting materials must show the following clearly:

- a. Original footprint of building is not changed except for coverage for additional front or rear steps.
- b. There are no additional encroachments of any side or rear yard setback.
- c. Compliance with building height requirements.
- d. Pictures, if available, of the existing structure.
- e. Floor plans, if available, of the existing structure.

9. The Lavallette Zoning Officer and Construction official have final authority to determine that your application does not require a hearing, or is or is not qualified for the

expedited agenda of the Planning Board. Applications may also be made to the Planning Board in the normal manner for consideration in the normal course.

10. Expedited hearing procedures are only available for applications which do not involve any of the following, which require a full variance application:

- a. An increase in total overall height that exceed the total height limits established in Chapter 90 of the Borough Code.
- b. Any change to a non-conforming use or structure beyond footprint of existing or original structure, with the exception of additional steps or stairways.
- c. Any change of use to any current use or structure.

**CHECKLIST FOR STORM RECONSTRUCTION ZONING PERMIT APPLICATIONS FOR NON-CONFORMING STRUCTURES AND USES**

**Owners Name:** \_\_\_\_\_ **Block** \_\_\_\_\_

**Property Address:** \_\_\_\_\_ **Lot:** \_\_\_\_\_

Completed Zoning Permit Application

Application Fee

Site Plan, Plot Plan or Sketch of Property

Lot Coverage Calculation

Nonconforming Use or Structure

Certificate of Nonconforming Use

Survey

Tax Information

On Certification of Prior Planning Board Applications

Other \_\_\_\_\_

**FOR ZONING/CONSTRUCTION OFFICIAL USE ONLY**

**This Application is for a nonconforming use or structure.**

The use or structure is a prior nonconforming use or structure.

**This Application is approved for expedited hearing procedures.**

The proposed work does not increase or expand the use or structure except to repair storm related damage.

Original footprint of building is not changed except for coverage for additional steps and stairways used for egress and ingress.

There are no additional encroachments of any side and/or rear yard set-backs for ingress/egress.

The proposed development is in compliance with all building height requirements.

**This Application is NOT approved for expedited hearing procedures.**

**REASON(S):** \_\_\_\_\_

\_\_\_\_\_  
Lavallette Zoning Officer

\_\_\_\_\_  
Date