

Today, I, Mary Rose Pullo, am requesting an interpretation of code that is being used to deny permission for a shed to be located on Block 111 Lot 20.

Background:

My parents bought the property at 921 Second St. (Block 111 Lot 18-19) in 1956. A year or so later, they bought Lot 20. The two were never incorporated into one property and always had two separate tax bills but were used and even fenced as one. In 2007, both properties were transferred to me. The property with the house (Block 111 Lot 18-19) was mortgaged to provide my brother with a cash inheritance and Lot 20 was transferred via quit claim deed. This was done with the understanding that I would take financial responsibility for the property and my parents would continue to live there for the rest of their days. My mother died in 2012 and my father died in 2016. A year or so later property with the house (Block 111 Lot 18-19) was let go. Shortly after that, I realized that Lot 20 had not been included with the sale of the house and that I still owned it. There was not enough interest from the new owners of the house lots to buy the additional lot, so I decided to keep it for my own personal use.

Lot Use:

I own and live in a townhome at Bayport in West Atlantic City. While it is beautiful to live on the bay, I do not have a "yard". I use the Block 111 Lot 20 as my yard. As the owner, I am expected to maintain the property which I do regularly along with making improvements to its presentation. I plant vegetables and have outdoor furniture for relaxing and congregating with my family.

As you can read in the letter of denial, the opening statement says that my "*application to build a shed on a lot without a primary building is hereby denied.*" based on ordinance Section LU 215-27B which states "*Accessory buildings must be located on the same lot as the principal use to which they are accessory.*" I do not believe that Section LU 215-27B supports the opening statement. According to the definition in the code, principal use and primary building are not synonymous.

In Article II Definitions Section 215-5 Terms Defined, the definition of PRIMARY or PRINCIPAL USE is as follows:

The primary or principal purpose for which a *building, structure or lot* is used.

*This definition of PRINCIPAL USE refers to a purpose not a building.

Additionally, in Article II Definitions Section 215-5 Terms Defined, the definition of ACCESSORY USE OR BUILDING is:

A subordinate use or building, the purpose of which is incidental to that of a *main use or building* on the same lot, except that any structure with a floor area in excess of 500 square feet of a building containing living space shall never be considered an accessory building.

**This definition specifically distinguishes a use from a building.

Given these two definitions, as well as others, the word "OR" is used between the words USE and BUILDING clearly indicating that these two words are not synonymous as the denial letter would suggest. More so, a lot can have a specific purpose (use) *without a building* and an accessory building can serve the purpose incidental to that main use.

I believe state law says that I am allowed peaceful, quiet, enjoyment on my own property. As previously stated, the property is simply for personal use; the same way anyone else might use their yard in this residential neighborhood. I believe that this should be considered an acceptable use.

I am a responsible owner. I pay my taxes, maintain and improve the physical presentation of the lot. The shed provides a space to keep the items associated with its use and maintenance. The shed does not financially impact the city, does not obstruct anyone's view, and is not an eyesore. I have the support of the neighbors on all sides of the property.

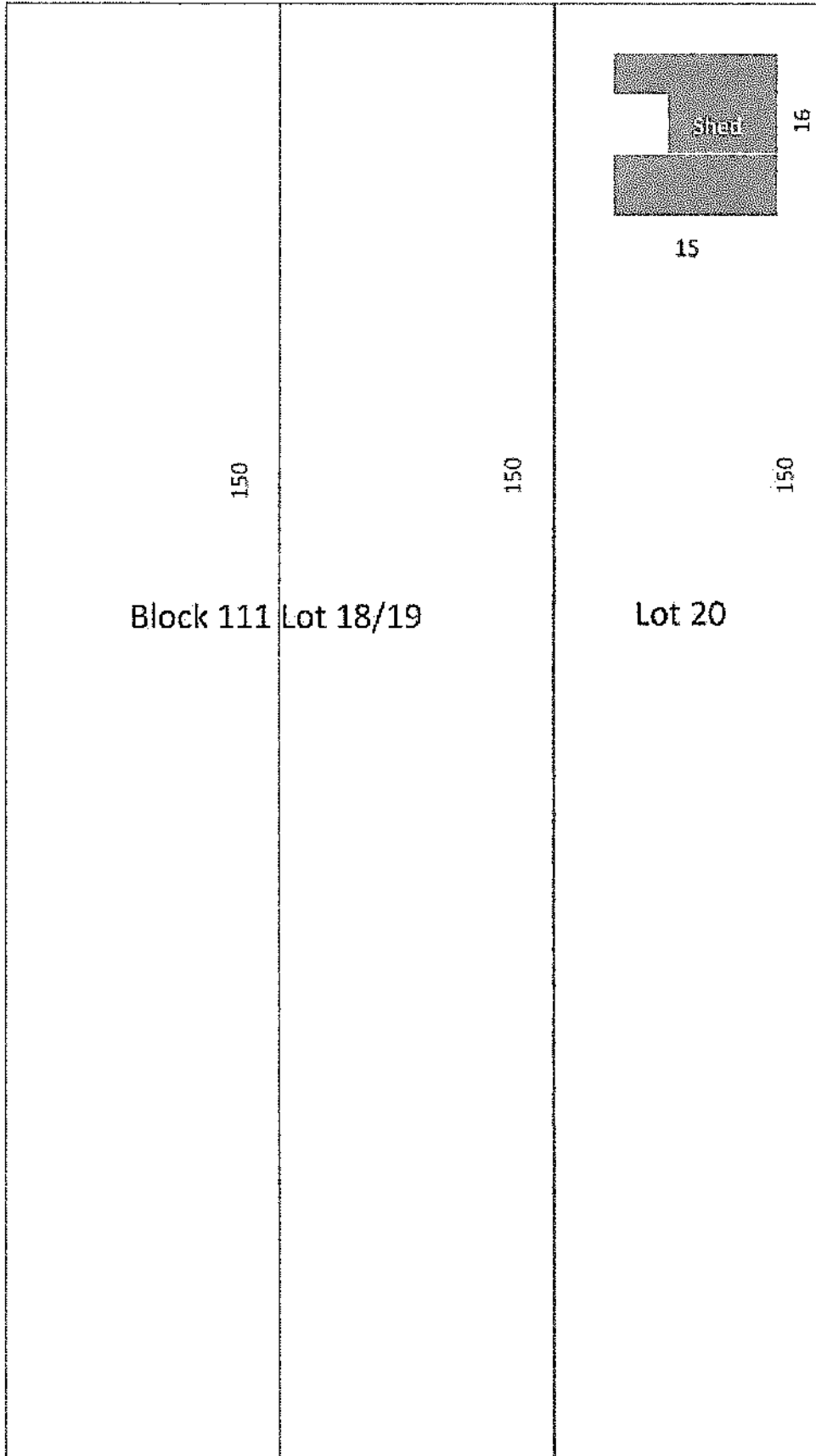
I understand that I will need to apply for a hardship variance for consideration of setback allowances but prior to that I needed to be assured that there is approval to have a shed at all. Given the code, as it is written and for my intended purpose, I should be allowed to have a shed on Block 111 Lot 20.

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25

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Roosevelt Ave



Block 111 Lot 18/19

Lot 20

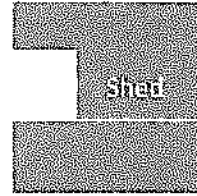
150

150

150

15

16



Northfield Block 111 Lot 20

Frontage on Second St just North of the corner of Second and Roosevelt

Lot size 25' x 150'

Shed to be located in rear of the property, 5 ft from north and south property lines and 7 ft from west property line. 6 ft stockade fencing exists on all three sides.

Shed is 15 ft on east and west side, 16 ft on north side, south side extends 6 ft east side 15 ft mark, then 6 ft at 10 ft from north side, and 4 ft to the west 15 ft side.

Second St



City of Northfield

Office of Housing / Zoning

1600 Shore Road - Northfield - New Jersey - 08225

Michael Dattalo
Housing / Zoning

(609) 641-2832
Ext 140

DENIAL OF PERMIT

APRIL 20, 2020

MARY ROSE PULLO
159 DUNLIN LANE
EGG HARBOR TWPS., NJ 08242

RE: LOT ON ^{SECOND} ~~FIRST~~ STREET
BLOCK 111, LOT 20
NORTHFIELD, N.J. 08225

DEAR PROPERTY OWNER:

YOUR APPLICATION TO BUILD A SHED ON A LOT WITHOUT A PRINCIPAL BUILDING IS HERE BY **DENIED**. THE PROPERTY IN QUESTION REQUIRES PLANNING BOARD APPROVAL FOR NON-PERMITTED USE ACCORDING TO THE FOLLOWING ARTICLE OF THE CITY OF NORTHFIELD LAND USE AND DEVELOPMENT ORDINANCE:

SECTION LU 215-27B - ACCESSORY BUILDING: ACCESSORY BUILDING MUST BE LOCATED ON THE SAME LOT AS THE PRINCIPAL USE TO WHICH THEY ARE ACCESSORY.

APPLICATION FOR APPEAL OF THIS DECISION MUST BE SUBMITTED TO THE PLANNING BOARD. A PLANNING BOARD APPLICATION CAN BE OBTAINED AT THE NORTHFIELD CITY HALL TAX OFFICE.

PLEASE FEEL FREE TO CONTACT MY OFFICE AT 609-641-2832 EX. 140 IF YOU HAVE ANY QUESTIONS OR CONCERNS.

SINCERELY,

Michael Dattalo

MICHAEL DATTALO
ZONING OFFICIAL



City of Northfield
Zoning Department
 1600 Shore Road
 Northfield, New Jersey 08225

4910
 4/16/2020

APPLICATION FOR
ZONING DEVELOPMENT PERMIT
 CONSTRUCTION

BLOCK 111 LOT 20 ZONE R-3 USE Personal
 NAME Mary Rose Pullo PHONE NUMBER 609 335 9197
 ADDRESS 159 Dunlin Lane, EHT, NJ 08232

DEVELOPMENT PERMIT:

- COMMERCIAL - NEW CONSTRUCTION OR ADDITION: FEE \$200.00
- RESIDENTIAL - NEW CONSTRUCTION OR ADDITION: FEE \$100.00
- ACCESSORIES: FEE \$50.00 (UNLESS OTHERWISE NOTED)
 - SHED (100 SF OR LESS) NO FEE
 - SHED (101 TO 144 SF)
 - SHED / ACCESSORY BUILDING (145 TO 500 SF)
 - SWIMMING POOL
 - DECK
 - SIGN
 - GENERATOR

PLANNING BOARD APPROVAL: REQUIRED , RECEIVED , NOT NEEDED

IF REQUIRED, REASON: LU 215-27 B Accessory Building

ARTICAL / SECTION:

PAID: CHECK NO. CASH 50.00 DATE: 4/16/20 COLLECTED BY MD

ALL FEES ARE NON-REFUNDABLE.

APPROVED: NO YES DATE:

Michael Dattalo
 MICHAEL DATTALO, ZONING OFFICIAL

PLANNING BOARD APPLICATION

CASE # 111-20

FOR OFFICIAL USE ONLY

Date of Application Received: 6-8-2020

Date: 7-16-20 Date of Deposit

Fee Paid 6-8-2020

Date: N/A Affidavit of Service

Time Period Expires 11-13-2020
120 days to render decision after decision complete

Date File Complete 7-16-2020

Hearing Date 8-6-2020

INFORMATION REGARDING APPLICANT

Applicant's Full Legal Name Mary Rose Pullo

Applicant's Mailing Address: 159 Dunlin Lane, EHT, NJ 08232

Applicant's Phone Number 609.335.9197 e-mail address a2prepcamp@gmail.com

Applicant is a: Corporation Partnership Individual

Pursuant to N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporation or partnership must be disclosed. Attach list.

NATURE OF APPLICATION, check appropriate items:

- 1. () Appeal of action of administrative officer
- 2. (X) Interpretation of development ordinance or map
- 3. () Variance: "C" Variance (Hardship)
- () "D" Use Variance
- () "D" Non Conforming Use
- 4. () Conditional use
- 5. () a. Subdivision - Minor
- () b. Subdivision - Major
- 6. () a. Site Plan - Waiver
- () b. Site Plan - Minor
- () c. Site Plan - Major
- () d. Site Plan application to follow
- 7. () Other

Proposed use, Building, or Subdivision is contrary to:
 List Article and Section of the Ordinance from which Variance is sought:

ART. II Section 215-27B Required Proposed
 ART. _____ Section _____ Required _____ Proposed _____
 ART. _____ Section _____ Required _____ Proposed _____

If additional space is needed, attach list to the application

INFORMATION REGARDING PROPERTY:

Address: Second St

Tax Map BLK 111 LOT(S) 20 Dimension of Property 25x150

BLK _____ LOT(S) _____ Dimension of Property _____

Zoning District R3

Location approximately 50 feet from intersection of Second St
 and Roosevelt Ave

Last Previous Occupancy _____

	<u>Size Existing Building</u>	<u>Proposed Structure</u>
Front (feet)	<u>15</u>	<u>15</u>
Deep (feet)	<u>16</u>	<u>16</u>
Square (feet)	<u>210</u>	<u>210</u>
Height (feet)	<u>10</u>	<u>10</u>
Story	<u>1</u>	<u>1</u>
Building Coverage	<u>5.6%</u>	<u>5.6%</u>
	$\frac{210}{3750} = .056$	$\frac{210}{3750} = .056$

SET BACKS ZONING REQ.

Present

Proposed

Frontage	<u>25</u>	<u>25</u>
Front Yard	<u>125</u>	<u>125</u>
Front Yard	_____	_____
Side	<u>10</u>	<u>5</u>
Side	<u>10</u>	<u>5</u>
Rear	<u>10</u>	<u>5</u>
Lot Size Area	<u>3750</u>	<u>3750</u>

Corner Lot:
Y or N

Prevailing Setbacks of Building within one Block _____ ft.

Present use private proposed use private

Has there been any previous appeal or application involving these premises?

Yes or No

If yes, when _____

and to whom _____

Nature of appeal or application _____

Disposition _____ Date _____

Application for Subdivision _____ site plan - conditional use approval _____

The relationship of the applicant to the property in questions is:

Owner X Tenant _____

Purchaser under Contract (submit copy) _____ Other _____

If the applicant is not the owner of the property, the applicant must obtain and submit a copy of this application signed by the owner in the space provided.

Owner's Authorization: I hereby certify that I reside at:

In the County of Atlantic State of NJ

and that I am the owner of all that certain lot, _____; Piece or parcel of land known as

Block 111 Lot(s) 20 commonly known as Second St.

which property is the subject of the applicant, and said application is hereby authorized by me.

Owner's Signature Mary Rose Pullo

Applicant's Attorney _____ Phone # _____

Address _____

Applicant's Engineer _____ Phone # _____

Address _____

Applicant's Architect _____ Phone # _____

Address _____

Applicant's Planner _____ Phone # _____

Address _____

Applicant's Verification:

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with application is true.

Applicants Signature Mary Rose Pullo

Notice: The applicant is responsible to publish and serve notice of this application after receiving a hearing date from the Secretary of the Planning Board, ten (10) days prior to the hearing date.

CERTIFICATION OF OWNER

This is to certify that the plans and/or survey plans with the measurements shown have been

drawn by me as the owner of the property regarding BLOCK 111 LOT(S) 20

Commonly known as Second St.
(address)

Have been drawn as accurately as possible to the best of my knowledge.

Owner's Name Mary Rose Pullo

Address 159 Dunlin Lane

City EHT, NJ 08232

Notary _____

Date _____