

BOROUGH OF SEASIDE PARK: RAISING AND/OR ELEVATING AN EXISTING STRUCTURE

1. **ELEVATION OF NON-CONFORMING STRUCTURE:** Any principal structure which is non-conforming as to any of the setback requirements, lot area, or lot dimensions according to local ordinance may be raised and/or elevated to the Advisory Base Flood Elevation (ABFE) as set forth in the local ordinance without the necessity of obtaining a variance from the Planning Board. However, the height of the elevated structure must comply with the height requirements of that zone. Any person(s) who desires to elevate a non-conforming structure, must complete the appropriate application and submit it to the Zoning Officer to receive a Zoning Permit of Approval of the requested development.

2. **ELEVATION OF STRUCTURE MAINTAINING A NON-CONFORMING USE:** Any structure on a lot which maintains a non-conforming use **will require** a special reasons variance from the Planning Board. For example, if a lot contains two (2) principal structures which is not permitted in the zone, any application for development to elevate either of the structures to meet the ABFE requirements of the local ordinance will necessitate a special reasons variance. In addition, if in a single-family residential zone, an application to raise and/or elevate a multi-family structure, which is a non-permitted use in that zone, will require a special reasons variance from the Planning Board.

Therefore, any structure on a lot which maintains a non-conforming use may **not** be raised and/or elevated to meet the ABFE requirements of the local ordinance without obtaining a special reasons variance from the Planning Board.

The examples noted above are meant for illustrative purposes and are not an exhaustive compilation of all possible non-conforming uses which would require a special reasons variance from the Planning Board.

The examples and explanatory paragraph above is meant to give an interpretation to Ordinance No. 1619 as to its implementation. To be clear to all who are concerned, if you maintain a pre-existing, non-conforming use on your property, you may **not** obtain a permit to elevate the structure(s) contained thereon to meet the ABFE requirements of the local ordinance without obtaining a special reasons variance from the Planning Board, as to do otherwise would constitute an impermissible expansion of a pre-existing, non-conforming use contrary to the State Municipal Land Use Law. The process of raising and/or elevating an existing structure, in accordance with the above interpretation and Ordinance No. 1619, applies only to structures that are being renovated and raised. **This interpretation does not apply to structures that are being demolished and reconstructed.** Any application for development for a structure that is destroyed or is being destroyed and reconstructed must comply with all requirements of the Land use Ordinances.