

RESOLUTION 2024-04

IN THE MATTER OF THE APPLICATION

OF

**BOARD OF ADJUSTMENT
TOWNSHIP OF VERONA
ESSEX COUNTY, NEW JERSEY**

JOHN WESSLING AND KATHLEEN WESSLING

WHEREAS, John Wessling and Kathleen Wessling (the “Applicants”) are the owners of property located at 144 Elmwood Road, Verona, New Jersey, said property also being known as Block 904, Lot 27 (the “Property”), which is located in an R-60 (Medium Density Single Family Residential) Zone;

WHEREAS, the Applicant filed an application with the Verona Zoning Board of Adjustment (the “Board”) requesting the approval of bulk variances pursuant to N.J.S.A. 40:55D-70(c) to remove an existing one-story screened porch, garage, driveway and paths and to construct two (2) one-story additions to the existing house (including an attached garage), and a new patio;

WHEREAS, the Applicant requested bulk variances for a proposed 6.40-foot rear yard setback is proposed (where 30 feet is required) pursuant to Verona Chapter 150-17.3E(5); and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on March 14, 2024, and giving due consideration to any questions and/or comments having been raised by residents who were properly notified (There being no persons presenting any questions or opposition present), and having made the following factual and general findings:

- (1) The subject property is located in an R-60 Medium Density Single Family Residential Zone;
- (2) The Applicant seeks to remove an existing one-story screened porch, garage, driveway and paths and to construct two (2) one-story additions to the existing house, an attached two-car garage, and a new patio ;
- (3) Chapter 150-17.3E(5) of the Township of Verona Zoning Ordinances states that a rear yard setback has a minimum requirement of 30 feet and Applicants are proposing a 6.40-foot rear yard setback;
- (4) The dwelling is located on 125’ x 118’ rectangular shaped corner lot (.34 acres or 14,761 sq. ft.);
- (5) As per Section 150-17.3A the proposed addition maintains the permitted use of a single-family home;

- (6) As per Section 150-17.3D(3), the proposed lot coverage is below the maximum permitted coverage of 25% with a proposed lot coverage of 19.23%;
- (7) As per Section 150-17.3D(4) the improved lot coverage is below the maximum permitted coverage of 40% with a proposed coverage of 33.45%;
- (8) As per Section 150-17.3E(2) the proposed side yard setback of 28.82 feet is above the minimum 8 feet side yard required;
- (9) As per Section 150-17.3E(1) the existing front yard setback of 33.05 on Elmwood Road and 36.92 feet on Woodland Avenue, comply with the required minimum front yard setback of 30 feet;
- (10) As per Section 150-17.4E(6) the proposed maximum height of 24.3 feet for the principal structure complies with the maximum height of 30 feet;
- (11) The proposed patio complies with Section 150-17.3F(4) and Section 150-5.3C(6) as the proposed setback is approximately 7 feet where a minimum of 5 feet is required;
- (12) Stormwater management is required since the increase in impervious coverage is above the threshold of 400 square feet with approximately 1,225 square feet;
- (13) One tree is proposed for removal;
- (14) The Applicants' architect/planner, Paul Sionas, testified that as the house is located on a corner lot, much of the house is located in the required rear yard setback;
- (15) The Applicants' lot is larger than most of the other lots in the area;
- (16) The existing two car garage is smaller than most two-car garages and there is no direct entry to the house as the house previously included a dentist office;
- (17) The existing screened porch, which was original to the house, will be removed and the new structure will replace the porch with almost the same setback as exists now, but .3" closer.
- (18) The proposed garage is slightly larger and will connect to the house through a mudroom.

- (19) The proposed addition will match the existing clapboarding on the house;
- (20) The roof peak of the new garage will be three (3') feet higher than the current roof (and will still be in compliance with the ordinance) to allow for an additional 5'4" width;
- (21) The house was built in 1936 and the proposed construction will maintain the same setbacks without further encroachment;

AND WHEREAS, the Board having made the following legal and general conclusions:

- (1) The proposal to remove an existing one-story screened porch, garage, driveway and paths and to construct two (2) one-story additions (including an attached garage) to the existing house, and a new patio will be an appropriate improvement to the subject property;
- (2) The rear yard setback is a pre-existing condition created due to the position of the house on a corner lot;
- (3) The proposal to remove an existing one-story screened porch, garage, driveway and paths and to construct two (2) one-story additions (including an attached garage) to the existing house, and a new patio at the Property will advance the purposes of the Municipal Land Use Law in that it will enable the Applicant to enhance the use of the subject property, thereby promoting the general welfare of the Township and its residents, promote a desirable visual environment, will provide sufficient space for a variety of residential uses and will provide adequate light, air and open space;
- (4) The benefits of allowing the applicant to install the deck at the Property outweigh any detriments as the proposed construction are aligning with the pre-existing conditions and are fairly screened with landscaping;
- (5) The proposed construction will be an upgrade of the property that will not adversely affect the intent or purpose of the zone plan; and
- (6) The proposed construction of the new garage, patio and addition at the Property will not cause a substantial detriment to the public good.

NOW THEREFORE, be it resolved by the Board of Adjustment of the Township of Verona that the Applicants' proposal remove an existing one-story screened porch, garage, driveway and paths and to construct two (2) one-story additions to the existing house (including an attached garage), and a new patio and for the approval of one bulk variance pursuant to N.J.S.A. 40:55D-70(c) for a proposed 6.40 foot rear yard setback (where 30 feet is required) pursuant to Verona Chapter 150-17.3E(5), with regard to the property located at 144 Elmwood Road, Block 904, Lot 27, based upon the testimony taken on March 14, 2024, be granted, subject

to the following conditions:

- (1) The Applicants and their witnesses shall be bound by the content of their testimony as if said testimony was incorporated herein;
- (2) All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicants;
- (3) The approvals granted herein shall expire unless construction is begun within two years of the date of the memorializing resolution.

IN THE MATTER OF:

John Wessling and Kathleen Wessling
144 Elmwood Road
Verona, New Jersey 07044
Block 904, Lot 27

	AYES	NAYS	ABSTENTION	ABSENT
Ms. Ries (Alt. #1)				
Mr. Cuartas				
Mr. Ryan				
Mrs. Murphy-Bradacs				
Mr. Matthewson				
Ms. DiBartolo				
Vice Chair Weston				
Chair McGinley				

Daniel McGinley – Chairman

The foregoing is a true copy of a resolution adopted by the Verona Township Board of Adjustment at their meeting of March 14, 2024, memorialized on April 11, 2024.

Kathleen Miesch - Board of Adjustment Secretary