

RESOLUTION 2021-07

IN THE MATTER OF THE APPLICATION

OF

MEGHAN & JASON KELLY

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

WHEREAS, Meghan and Jason Kelly (collectively the "Applicant") are the owners of property located at 19 Hamilton Road, Verona, New Jersey, said property also being known as Block 801, Lot 35 (the "Property"), which is located in an R-50 (High Density Single Family) Residential Zone;

WHEREAS, the Applicant filed an application with the Verona Zoning Board of Adjustment (the "Board") requesting the approval of a bulk variance pursuant to N.J.S.A. 40:55D-70(c) to construct a new 284 square foot frame deck in the rear yard at the Property;

WHEREAS, the Applicant requested a bulk variance for maximum permitted improved lot coverage where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.5.D.4 and an improved lot coverage of 49.62% is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on February 11, 2021 and giving due consideration to any questions and/or comments having been raised by residents who were properly notified, and having made the following factual and general findings:

- (1) The subject property is located in an R-50 (High Density Single Family) Residential Zone;
- (2) The Applicant seeks to construct a new 284 square foot frame deck in the rear yard at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-17.5.D.4 of the Township of Verona Zoning Ordinances permits a maximum improved lot coverage of 40% in the R-50 Zone and a lot coverage of 49.62% is proposed requiring variance relief of 9.62%;
- (4) Property Owners Meghan and Jason Kelly were sworn and began to present testimony in support of the application;
- (5) Meghan Kelly began her testimony by explaining that the Applicant was before the Board seeking a bulk variance for exceeding the maximum permitted improved lot coverage and explaining that the existing improved lot coverage was already over what is allowed in the zone when they purchased the house;

- (6) Megan Kelly then explained where the proposed wood deck would be located in the rear yard and how the deck would be used and that it would not be a large deck but any smaller would not be as useful;
- (7) Megan Kelly testified that the proposed deck would be generally 22 feet wide by 14 feet deep and a total of 284 square feet in area. Megan Kelly further testified that there was grass currently where the deck would be located and that they would have gravel under the deck once it is constructed;
- (8) Jason Kelly testified that part of the current coverage is a result of the fact that the property has a depth of approximately 138 feet and a long driveway leading to a detached garage at the rear of the Property and that this contributes the need for variance relief; and
- (9) In response to a question from Board Member Larry Lundy regarding the current coverage Jason Kelly testified that the current lot coverage at the Property is 25.80% and improved lot coverage is 45% and that the proposed deck would result in the lot coverage being 29.92% and the improved lot coverage being 49.62%.

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

- (1) The proposal to construct a new 284 square foot frame deck in the rear yard at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to construct a new 284 square foot frame deck in the rear yard 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 and will improve the aesthetics of the same, thereby promoting the general welfare of the Township and its residents;
- (3) The benefits of allowing the applicant to construct a new 284 square foot frame deck in the rear yard at the Property outweigh any detriments;
- (4) The proposal to construct a new 284 square foot frame deck in the rear yard at the Property will be an upgrade of the property that will not adversely affect the intent or purpose of the zone plan; and
- (5) The proposal to construct a new 284 square foot frame deck in the rear yard at the Property will not cause a substantial detriment to the public good.

NOW THEREFORE, be it unanimously resolved by the Board of Adjustment of the Township of Verona that the Applicant's proposal to construct a new 284 square foot frame deck in the rear yard at the Property and for the approval of a bulk variance pursuant to N.J.S.A. 40:55D-70(c) for maximum permitted improved lot coverage where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.5.D.4 and an improved lot coverage of 49.62% is proposed with regard to the property located at 19 Hamilton Road, Block 801, Lot 35, based upon the testimony taken on February 11, 2021, be granted, subject to the following conditions:

- (1) The Applicant shall be bound by the content of his testimony as if this testimony was incorporated herein;
- (2) All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant; and
- (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 THE APPLICATION OF
MEGHAN AND JASON KELLY
19 HAMILTON STREET
BLOCK 801 LOT 35**

VOTE : TO GRANT

AYES

SCOTT WESTON, VICE CHAIRMAN
PAT LISKA
LARRY LUNDY
PAUL MATHEWSON, ALT#2

NAYS

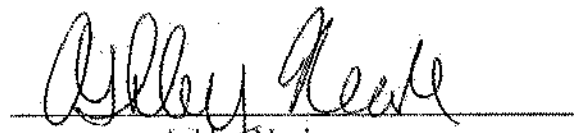
DANIEL MCGINLEY, CHAIRMAN
CHRISTY DIBARTOLO

ABSTENTIONS



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on February 11, 2021 and memorialized on March 11, 2021.



Ashley Neale
Board of Adjustment Secretary