

RESOLUTION 2021-11

IN THE MATTER OF THE APPLICATION

OF

CHANDRAKANT & DIPIKA PARDIWALA

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

WHEREAS, Chandrakant and Dipika Pardiwala (collectively the "Applicant") are the owner of property located at 63 Fairview Avenue, Verona, New Jersey, said property also being known as Block 1605, Lot 7 (the "Property"), which is located in an R-70 (Low 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 12 foot by 22 foot wood deck in the rear yard at the Property;

WHEREAS, the Applicant requested a bulk variance for minimum rear yard setback where a minimum rear yard setback of 30 feet is required pursuant to Verona Chapter 150-5.3.E.3 and a rear yard setback of 23 feet is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on March 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 a R-70 (Low Density) Residential Zone;
- (2) The Applicant seeks to construct a new 12 foot by 22 foot wood deck in the rear yard at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-5.3.E.3 of the Township of Verona Zoning Ordinances require a minimum rear yard setback of 30 feet where a rear yard setback of 23 feet is proposed to the deck requiring variance relief of 7 feet;
- (4) Applicant Chandrakant Pardiwala was sworn and began to present testimony in support of the application;
- (5) Chandrakant Pardiwala testified briefly explaining that he proposed to replace an existing deck with the new 12 foot by 22 foot wood deck off the rear of the house to provide more room for entertaining and dining; and
- (6) Chandrakant Pardiwala testified that the existing deck is too narrow to be useful and that the new deck proposed will result in the need for a rear yard setback variance.

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

- (1) The proposal to construct a new 12 foot by 22 foot wood deck in the rear yard at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to construct a new 12 foot by 22 foot wood 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 12 foot by 22 foot wood deck in the rear yard at the Property outweigh any detriments;
- (4) The proposal to construct a new 12 foot by 22 foot wood 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 12 foot by 22 foot wood 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 12 foot by 22 foot wood 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 minimum rear yard setback where a minimum rear yard setback of 30 feet is required pursuant to Verona Chapter 150-5.3.E.3 and a rear yard setback of 23 feet is proposed with regard to the property located at 63 Fairview Avenue, Block 1605, Lot 7, based upon the testimony taken on March 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
CHANDRAKANT & DUPIKA PARDIWALA
63 FAIRVIEW AVENUE
BLOCK 1605 LOT 7

VOTE : TO GRANT

AYES

DANIEL MCGINLEY, CHAIRMAN
SCOTT WESTON, VICE CHAIRMAN
CHRISTY DIBARTOLO
PAT LISKA
LARRY LUNDY
PAUL MATHEWSON, ALT#2

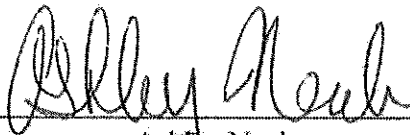
NAYS

ABSTENTIONS



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on March 11, 2021 and memorialized on April 8, 2021.



Ashley Neale
Board of Adjustment Secretary