

RESOLUTION 2021-23

IN THE MATTER OF THE APPLICATION

OF

CARA O'FLYNN & ADAM BELL

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

WHEREAS, Cara O'Flynn and Adam Bell (collectively the "Applicant") are the owners of property located at 23 Hamilton Road, Verona, New Jersey, said property also being known as Block 801, Lot 37 (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 320 foot paver patio and to reconfigure the existing concrete walkways and replace them with pavers both 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 46.1% is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on August 12, 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 320 foot paver patio and to reconfigure the existing concrete walkways and replace them with pavers both 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 46.1% is proposed requiring variance relief of 6.1%;
- (4) Property Owner Cara O'Flynn was sworn and began to present testimony in support of the application;
- (5) Cara O'Flynn 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) Cara O'Flynn then explained where the proposed paver patio which would be 16 feet by 20 feet and walkways would be and that once completed it would result in an additional 382 square feet of additional coverage;
- (7) Cara O'Flynn testified that one of the main reasons for the proposed improvements was that there currently was no walkway from the house to their cars and that they would have to walk on the grass to get from the rear door of their home to their vehicles in the driveway on the side or would have to walk out of the front door and all the way around the house to the rear to access their vehicles when parked in their driveway; and
- (8) Cara O'Flynn stated that to offset the additional improved lot coverage requested they would install a 1,000 gallon seepage pit as part of the improvements proposed which would more than address any additional stormwater runoff associated with the improvements.

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

- (1) The proposal to construct a new 320 foot paver patio and to reconfigure the existing concrete walkways and replace them with pavers both in the rear yard at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to construct a new 320 foot paver patio and to reconfigure the existing concrete walkways and replace them with pavers both 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 320 foot paver patio and to reconfigure the existing concrete walkways and replace them with pavers both in the rear yard at the Property outweigh any detriments;
- (4) The proposal to construct a new 320 foot paver patio and to reconfigure the existing concrete walkways and replace them with pavers both 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 320 foot paver patio and to reconfigure the existing concrete walkways and replace them with pavers both 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 320 foot paver patio and to reconfigure the existing concrete walkways and replace them with pavers both 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 46.1% is proposed with regard to the property located at 23 Hamilton Road, Block 801, Lot 37, based upon the testimony taken on August 12, 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;
- (3) The approvals granted herein shall expire unless construction is begun within two years of the date of the memorializing resolution; and
- (4) Applicant shall submit a grading and drainage plan subject to the review and approval of the Verona Zoning Officer.

**IN THE MATTER OF THE APPLICATION OF
CARA O'FLYNN AND ADAM BELL
23 HAMILTON ROAD
BLOCK 801 LOT 37**

VOTE : TO GRANT

AYES

DANIEL MCGINLEY, CHAIRMAN
SCOTT WESTON, VICE CHAIRMAN
LARRY LUNDY
CHRISTY DIBARTOLO
PAT LISKA

NAYS

ABSTENTIONS

PAUL MATHEWSON, ALT#2

D. J. McGinley

Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on August 12, 2021 and memorialized on September 9, 2021.

Ashley Neale

Ashley Neale
Board of Adjustment Secretary