

RESOLUTION 2021-18

IN THE MATTER OF THE APPLICATION

OF

LUCAS BUZZARD

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

WHEREAS, Lucas Buzzard (the "Applicant") is the owner of property located at 91 Forest Avenue, Verona, New Jersey, said property also being known as Block 2107, Lot 1 (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 two bulk variances pursuant to N.J.S.A. 40:55D-70(c) to construct a 4 foot high fence in a front yard at the Property;

WHEREAS, the Applicant requested bulk variances for maximum permitted fence height in a front yard where a maximum fence height 3 feet is permitted in a front yard pursuant to Verona Chapter 150-7.3.B and the fence is proposed to be 4 feet in height and from the minimum required distance of a fence to any property line where a minimum 10 foot setback is required pursuant to Verona Chapter 150-7.3.I and the fence is proposed to be 2 feet from a property line at the Property; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on May 13, 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-50 (High Density) Single Family Residential Zone;
- (2) The Applicant seeks to construct a 4 foot high fence at the Property;
- (3) Chapter 150-7.3.B of the Township of Verona Zoning Ordinances limits the height of a fence in a front yard to 3 feet and a fence 4 feet in height is proposed in a front yard prompting the need for variance relief of 1 foot;
- (4) Chapter 150-7.3.I of the Township of Verona Zoning Ordinances requires a minimum 10 foot setback of a fence from any property line where a fence is proposed 2 feet from a property line prompting the need for variance relief of 8 feet;
- (5) Applicant Lucas Buzzard was sworn and began to present testimony in support of the application.

- (6) Lucas Buzzard started by explaining that his Property is a corner lot with two front yards and further that he does not have much of a rear yard with the majority of the unimproved part of his lot being on the side of the house in what is considered a front yard;
- (7) Lucas Buzzard further explained that the reason for wanting the fence was the safety of his children to allow them to play in the yard without being able to reach the street;
- (8) Lucas Buzzard then discussed the two variances being requested in connection with the application and the justifications for the granting of the variances needed to construct the fence as proposed; and
- (9) In response to comments and questions from several members of the Board concerned with the visual impact of the proposed fence on the streetscape and the need for screening Lucas Buzzard agreed to revise his plan to proposed a 4 foot high wooded picket fence which be a minimum 2 feet off of the property line. Lucas Buzzard also agree to planting evergreens a minimum of 4 feet in height between the fence and the property line to screen the fence.

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

- (1) The proposal to construct a 4 foot high fence in a front yard at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to construct a 4 foot high fence in a front 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 4 foot high fence in a front yard at the Property outweigh any detriments;
- (4) The proposal to construct a 4 foot high fence in a front 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 4 foot high fence in a front 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 4 foot high fence in a front yard at the Property and for the approval of two bulk variances pursuant to N.J.S.A. 40:55D-70(c) for maximum permitted fence height in a front yard where a maximum fence height 3 feet is permitted in a front yard pursuant to Verona Chapter 150-7.3.B and the fence is proposed to be 4 feet in height and from the minimum required distance of a fence to any property line where a minimum 10 foot setback is required pursuant to Verona Chapter 150-7.3.I and the fence is proposed to be 2 feet from a property line with regard to the property located at 91 Forest Avenue, Block 2107, Lot 1, based upon the testimony taken on May 13, 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;
- (4) The fence will be a minimum 2 feet off of the Howard Street property line;
- (5) The fence will be a maximum 4 foot high wooden picket fence; and
- (6) Evergreen plantings a minimum 4 feet in height will be planted between the fence and the property line.

IN THE MATTER OF THE APPLICATION OF
LUCAS BUZZARD
91 FOREST AVENUE
BLOCK 2107 LOT 1

VOTE : TO GRANT

AYES

DANIEL MCGINLEY, CHAIRMAN
PAT LISKA
GENEVIEVE MURPHY-BRADACS
LARRY LUNDY
PAUL MATHEWSON, ALT#2

NAYS

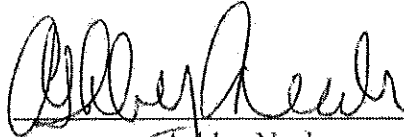
CHRISTY DIBARTOLO

ABSTENTIONS



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on May 13, 2021 and memorialized on June 10, 2021.



Ashley Neale
Board of Adjustment Secretary