

RESOLUTION 2021-04

IN THE MATTER OF THE APPLICATION

OF

RONALD NEWMAN

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

WHEREAS, Ronald Newman (the "Applicant") is the owner of property located at 21 Howard Street, Verona, New Jersey, said property also being known as Block 2106, Lot 2 (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 new 14 foot by 17 foot frame deck in the rear yard at the Property;

WHEREAS, the Applicant requested bulk variances for minimum rear yard setback where a minimum 30 foot rear yard setback is required pursuant to Verona Chapter 150-17.5.E.5 and a rear yard setback of 17 feet is proposed to the new deck and maximum permitted deck height where a deck height over 4 feet is prohibited pursuant to Verona Chapter 150-7.21.B and a deck height of 12 feet is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on January 14, 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 14 foot by 17 foot frame deck in the rear yard at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-17.5.E.5 of the Township of Verona Zoning Ordinances requires a minimum 30 foot rear yard setback to the new deck and a 17 foot setback is proposed requiring variance relief of 13 feet;
- (4) Chapter 150-7.21.B of the Township of Verona Zoning Ordinances prohibits the height of a deck from being greater than 4 feet and a deck height of 12 feet is proposed requiring variance relief of 8 feet;
- (5) Property Owners Ronald and Tara Newman were sworn and began to present testimony in support of the application;

- (6) Ronald Newman began his testimony by explaining to the Board that he intended to construct a new 14 foot by 17 foot deck off of the second floor to replace an existing deck which was attached to the first floor and that they were seeking variance relief in order to construct the deck as proposed;
- (7) Tara Newman described the floor plan of the home stating that it was a split level with the living space on the second floor and that the purpose of the new second floor deck was to adjoin to the second story living space;
- (8) New Jersey Licensed Architect Evan Scott was sworn, accepted as an expert in the field of architecture and began to present testimony in support of the application;
- (9) Architect Evan Scott described the design of the proposed deck and the variance relief required in connection with the construction of the deck;
- (10) In response to a question from Board Chairman Scott Weston about what the deck would look like from the adjacent properties Architect Evan Scott explained that the properties along this section of Howard Street were on a hill which sloped down from the west to the east such that the adjacent property to the west would likely be able to look down onto the proposed deck area and the proposed deck area would likely look down on the adjacent property to the east.
- (11) In response to a question from Board Member Paul Mathewson as to whether the Applicant had spoken to his neighbors about the proposed deck Ronald Newman stated that he had and that his neighbor to the east had requested that he incorporate a lattice into the design on the east side of the deck to shield their property from view from the deck area; and
- (12) In response to a question from Board Member Christy DiBartolo regarding the proposed height of the deck Ronald Newman testified that the deck would be 12 feet in height. Pursuant to discussion it was determined that the maximum permitted height of the deck was 4 feet so an additional variance was requested by the Applicant on the record to permit the deviation for maximum deck height as well as minimum rear yard setback.

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

- (1) The proposal to construct a new 14 foot by 17 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 14 foot by 17 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 14 foot by 17 foot frame deck in the rear yard at the Property outweigh any detriments;
- (4) The proposal to construct a new 14 foot by 17 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 14 foot by 17 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 14 foot by 17 foot frame deck in the rear yard at the Property and for the approval bulk variances pursuant to N.J.S.A. 40:55D-70(c) for minimum rear yard setback where a minimum 30 foot rear yard setback is required pursuant to Verona Chapter 150-17.5.E.5 and a rear yard setback of 17 feet is proposed to the new deck and maximum permitted deck height where a deck height over 4 feet is prohibited pursuant to Verona Chapter 150-7.21.B and a deck height of 12 feet is proposed with regard to the property located at 21 Howard Street, Block 2106, Lot 2, based upon the testimony taken on January 14, 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) The Applicant will incorporate an opaque lattice into the design of the proposed deck a minimum 6 feet in height and running along the entire east side of the deck.

IN THE MATTER OF THE APPLICATION OF
RONALD NEWMAN
21 HOWARD STREET
BLOCK 2106 LOT 2

VOTE : TO GRANT

AYES

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

NAYS

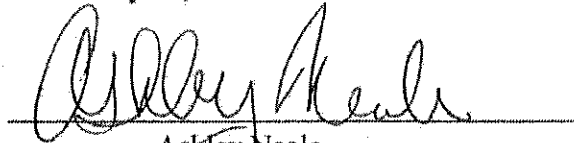
ABSTENTIONS

DANIEL MCGINLEY, CHAIRMAN



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on January 14, 2021 and memorialized on February 11, 2021.


Ashley Neale
Board of Adjustment Secretary