

RESOLUTION 2023-06

IN THE MATTER OF THE APPLICATION

OF

WILLIAM & JILL CORRIGAN

BOARD OF ADJUSTMENT
TOWNSHIP OF VERONA
ESSEX COUNTY, NEW JERSEY

WHEREAS, William & Jill Corrigan (collectively the "Applicant") are the owners of property located at 30 Pease Avenue, Verona, New Jersey, said property also being known as Block 1805, Lot 50 (the "Property"), which is located in an R-50B (Medium 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 variance pursuant to N.J.S.A. 40:55D-70(d)2 for the expansion of a non-conforming accessory use to expand an existing enclosed area which is attached to the rear of the existing garage that is currently used as a cabana for the existing pool in the rear yard of the existing dwelling at the Property;

WHEREAS, the Applicant requests a variance for the expansion of a non-conforming accessory use pursuant to Verona Chapter 150-4.2.H, where a cabana is not a permitted accessory use in the R-50B Zone and the cabana is an existing non-conforming accessory use which may continue but cannot be expanded without a variance; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at public hearings conducted on April 13, 2023 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-50B (Medium High Density Single Family) Residential Zone;
- (2) The Applicant seeks to expand an existing pool cabana on the rear of his existing garage, which was a pre-existing condition in the rear yard of the existing dwelling at the Property prompting the need for variance relief;
- (3) Chapter 150-4.2.H of the Township of Verona Zoning Ordinances provides that any accessory use not specifically permitted by ordinance in the relevant zone is a prohibited use. As a cabana is not listed as a permitted accessory use in the R-50B Zone a variance is required to enlarge the cabana;
- (4) William Corrigan was sworn and began to present testimony in support of the application;
- (5) William Corrigan testified that he was before the Board requesting variance relief due to the proposed 7 foot and 6 inch expansion of an

existing pool cabana on the rear of his garage;

- (6) William Corrigan testified that there would be no change to the width of the cabana and the expansion would be towards the rear of the property and not towards the home;
- (7) William Corrigan testified that the current garage roof that extends over part of the cabana is a flat roof and that is the only thing he is looking to extend. It will not change the height of the roof rather only the distance that it extends outward;
- (8) Mr. Peter Ten Kate, Verona Zoning Board Engineer, states that the addition will be small and that a lot of where the proposed addition is, already has concrete under it so there is very little new impervious cover. He further states that the existing impervious cover can be left as a nonconformity if the Board agrees;
- (9) Michael Piromalli, Board Attorney, states that per the zoning letter, the cabana was legal at the time that it was constructed and is a pre-existing nonconforming structure that predates the current zoning ordinance. The Board is only reviewing the application for a variance to expand a legal structure and the applicant has the right to continue the use; and
- (10) William Corrigan testifies that he has never had issues with drainage in the past affecting his neighbors and that they will be using the same as the existing for drainage. Additionally, Mr. Corrigan testifies that he has spoken with his neighbors about the project.

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

- (1) The proposal to expand an existing pool cabana on the rear of the garage at the Property, which was a pre-existing condition will be an appropriate improvement to the subject property;
- (2) The proposal to construct a new cabana to the rear of the garage 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 cabana on the rear of the garage at the Property outweigh any detriments;
- (4) The proposal to construct a new cabana on the rear of the garage 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 cabana on the rear of the garage 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 cabana on the rear of the garage at the Property and for the approval of a variance pursuant to N.J.S.A. 40:55D-70(d)2 for the expansion of a non-conforming accessory use where a cabana is not a permitted accessory use in the R-50B Zone pursuant to Verona Chapter 150-4.2.H and the cabana is an existing non-conforming accessory use to which the use may continue but cannot be expanded without variance relief with regard to the property located at 30 Pease Avenue, Block 1805, Lot 50, based upon the testimony taken on April 13, 2023, 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:

WILLIAM & JILL CORIGAN
30 PEASE AVENUE
BLOCK 1805 LOT 50

VOTE : TO GRANT

AYES

NAYS

ABSTENTIONS

Chairman Dan McGinley
Vice Chairman Scott Weston
Mr. Larry Lundy
Mr. Pat Liska
Mr. Paul Mathewson
Mr. Kevin Ryan

Daniel McGinley
Dan McGinley, CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on April 13, 2023 and memorialized on May 11, 2023.

Marcie Maccarelli

Marcie Maccarelli,
Acting Board of Adjustment Secretary