

RESOLUTION 2023 - 14

IN THE MATTER OF THE APPLICATION

OF

CLIFTON DUNN and EVELYN MELO DUNN

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

WHEREAS, Clifton Dunn and Evelyn Melo Dunn (the "Applicants") are the owners of property located at 9 Brentwood Drive, Verona, New Jersey, said property also being known as Block 903, Lot 17 (the "Property"), which is located in an R-50 (High Density Single-Family) Residential Zone;

WHEREAS, the Applicants 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 install a new HVAC unit (next to an existing HVAC unit) in a side yard at the Property;

WHEREAS, the Applicants requested a bulk variance for minimum required side yard setback where a minimum side yard setback of 8 feet is required pursuant to Verona Chapter 150-17.5E(2) and a setback of 6 feet is proposed at the Property (As per Section 150-7.13A, the proposed AC unit is compliant to the maximum setback of 5 feet from the building with a proposed setback of approximately 0.5 feet); and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and Architect Thomas Baio, at a public hearing conducted on September 14, 2023, and giving due consideration to any questions and/or comments having been raised by residents who were properly notified (There being no persons presenting any questions or opposition present), 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 install a new HVAC unit next to an existing AC unit (that will also be replaced with a new unit) in a side yard at the Property;
- (3) Chapter 150-7.13.A of the Township of Verona Zoning Ordinances requires a minimum side yard setback to any mechanical equipment of 8 feet and a setback of 6 feet is proposed prompting the need for variance relief of 2 feet;

- (4) Applicant Clifton Dunn and Architect Thomas Baio were sworn and presented testimony in support of the application;
- (5) Thomas Baio explained that the Applicants were in the midst of building a conforming addition and were 80% complete when it became apparent that a second zone AC unit would be required to properly provide air conditioning.
- (6) The Architect testified that they examined possible other locations for the AC units such as the rear, front and other side yard but that none of these other locations would allow for efficient operation of the unit and would burden the efficacy of the system;
- (7) Mr. Baio testified that the location of the HVAC units to the proposed location was the best option and as the old unit was also going to be replaced with more efficient and quieter unit than was currently in place, the result is that the overall effect was a quieter system; and
- (8) The pad upon which the HVAC units would be placed would be no larger than 3' x 6 feet and would be located in in the side yard;
- (9) The pre-existing side yard is nine ('9) feet from the house to the lot line at its widest part and six ('6) feet at is tightest, creating a pre-existing hardship;
- (10) The Applicant testified that they will be changing the front yard landscaping to extend the rock wall landscape bed past the front of the house and with the new landscaping planned there will provide some screening of the AC units from the street;

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

- (1) The proposal to install an additional HVAC unit in a side yard (Next to a previously existing unit that will also be replaced) at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to install a second HVAC unit in a side yard at the Property will advance the purposes of the Municipal Land Use Law in that it will enable the Applicants to enhance the use of the subject property, thereby promoting the general welfare of the Township and its residents;
- (3) The benefits of allowing the Applicants to install a second new HVAC unit in a side yard at the Property outweigh any detriments;

- (4) The proposal to install an additional HVAC unit in a side 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 install an additional HVAC unit in a side yard at the Property will not cause a substantial detriment to the public good.

NOW THEREFORE, be it resolved by the Board of Adjustment of the Township of Verona that the Applicants' proposal to install another HVAC unit in a side yard at the Property and for the approval of a bulk variance pursuant to N.J.S.A. 40:55D-70(c) for minimum required side yard setback where a minimum side yard setback of 8 feet is required pursuant to Verona Chapter 150-17.5F(1) and a setback of 6 feet is proposed with regard to the property located at 9 Brentwood Drive, Block 903, Lot 17, based upon the testimony taken on September 14, 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;
- (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:

CLIFTON DUNN and EVELYN MELO DUNN
9 Brentwood Drive
BLOCK 903 LOT 17

VOTE: TO GRANT

AYES Chairman McGinley, Mr. Ryan

NAYS

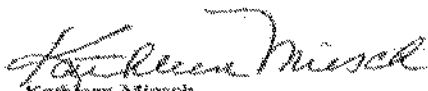
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ABSTENTIONS: Mrs. DiBartolo; Vice Chair Weston

ABSENT: Mr. Russo, Mr. Mathewson, Mr. Liska, Mrs. Murphy-Bradacs

Dan McGinley, CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on September 14, 2023 and memorialized on October 12, 2023.



Kathleen Miesch

Kathleen Miesch
Board of Adjustment Secretary

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