

RESOLUTION 2023-04

IN THE MATTER OF THE APPLICATION

OF

JOHN & JENNA SIKES

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

WHEREAS, John and Jenna Sikes (collectively the "Applicant") are the owners of property located at 8 Belleclaire Place, Verona, New Jersey, said property also being known as Block 401, Lot 12 (the "Property"), which is located in an R-100 (Very Low 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-70C to construct a new single family residential home which will be 31 feet and 1 inch in height on a vacant parcel of land at the Property;

WHEREAS, the Applicant requested a variance for maximum permitted building height where a maximum building height of 30 feet is permitted pursuant to Verona Chapter 150-17.1.E.6 and a building height of 31 feet and 1 inch is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on March 9, 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-100 (Very Low-Density Single Family) Residential Zone;
- (2) The Applicant seeks to construct a new single-family residential dwelling on a vacant parcel of land at the Property prompting the need for variance relief;
- (3) Chapter 150-17.1.E.6 of the Township of Verona Zoning Ordinances permits a maximum building height of 30 feet maximum permitted and building height of 31 feet and 1 inch is proposed requiring variance relief of 1 foot and 1 inch;
- (4) Property Owners John and Jenna Sikes were sworn;
- (5) New Jersey Licensed Architect Thomas Baio was sworn and accepted as an expert witness in the field of architecture;
- (6) Architect Thomas Baio explained that the Applicant was seeking a variance to construct a single-family residential dwelling on a current vacant parcel of land, whereas the current design exceeds the maximum

building height by 13 inches as stated in Chapter 150-17.1.E.6 of the Township of Verona Zoning Ordinances. The maximum permitted building height of 30 feet is exceeded and 31 feet and 1 inch is proposed; and

- (7) In response to questions from members of the Board, Architect Thomas Baio testified that the overall height of the home is much lower than the surrounding homes. He states that the other homes were all built prior to the 30-foot ordinance enactment, many reaching upwards of 35 ft. – 40 ft.

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

- (1) The proposal to construct a new single-family dwelling which will be 31 feet and 1 inch in height at the Property will be an appropriate improvement to the subject property;
- (2) Due to the surrounding homes that were built prior to the 30-foot ordinance enactment with heights reaching 35 feet–40 feet, the 13-inch height variance is insignificant compared to the poor aesthetic impact it would leave on the neighborhood if the Applicant is required to strictly comply with the maximum 30-foot height ordinance;
- (3) The proposal to construct a new single-family dwelling which will be 31 feet and 1 inch in height at the currently vacant parcel of land on 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;
- (4) The benefits of allowing the applicant to construct a new single-family dwelling which will be 31 feet and 1 inch in height at the Property with a 13-inch height variance outweigh any detriments;
- (5) The proposal to construct a new single-family dwelling which will be 31 feet and 1 inch in height at the Property will be an upgrade of the property that will not adversely affect the intent or purpose of the zone plan; and
- (6) The proposal to construct a new single-family dwelling which will be 31 feet and 1 inch in height 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 Applicant's proposal to construct a new single-family residential dwelling which will be 31 feet and 1 inch in height at the currently vacant parcel of land at the Property and for the approval of a variance pursuant to N.J.S.A. 40:55D-70C.2 for maximum permitted building height where a maximum building height of 30 feet is permitted pursuant to Verona Chapter 150-17.1.E.6 and a building height of 31 feet and 1 inch is proposed with regard to the property located at 8 Belleclaire Place, Block 401, Lot 12, based upon the testimony taken on March 9, 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:

JOHN & JENNA SIKES
8 BELLECLAIRE PLACE
BLOCK 401 LOT 12

VOTE : TO GRANT

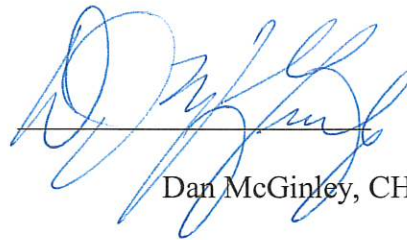
AYES

Chairman Dan McGinley
Vice Chairman Scott Weston
Ms. Genevieve Murphy-Bradacs
Ms. Christy DiBartolo
Mr. Kevin Ryan

NAYS

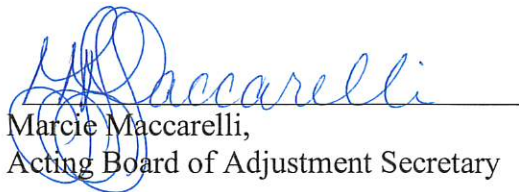
Mr. Paul Mathewson

ABSTENTIONS



Dan McGinley, CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on March 9, 2023 and memorialized on April 13, 2023.



Marcie Maccarelli,
Acting Board of Adjustment Secretary