

RESOLUTION 2023-05

IN THE MATTER OF THE APPLICATION

OF

VANESSA JUAREZ & ALEXANDER MILLS

BOARD OF ADJUSTMENT
TOWNSHIP OF VERONA
ESSEX COUNTY, NEW JERSEY

WHEREAS, Vanessa Juarez and Alexander Mills (collectively the “Applicant”) are the owners of property located at 151 Claremont Avenue, Verona, New Jersey, said property also being known as Block 707, Lot 1 (the “Property”), which is located in an R-60 (Medium 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 bulk variance pursuant to N.J.S.A. 40:55D-70(c) to construct an addition with other improvements to the existing single-family dwelling at the Property;

WHEREAS, the Applicant requested a bulk variance for a minimum required front yard setback pursuant to Verona Chapter 150-7.13.E(1) where a minimum 30 foot front yard setback is required in the R-60 Zone and a 17.6 foot front yard setback is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing 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-60 (Medium Density Single Family) Residential Zone;
- (2) The Applicant seeks to construct an addition on their 3-bedroom, 1.5 bath single-family home, prompting the need for bulk variance relief. They plan to convert the existing dwelling into a 4 bedroom, 2.5 bath; however, the property is on a corner lot which requires compliance of 2 front yard setbacks of 30 feet each, which creates a hardship for the Applicant;
- (3) Chapter 150-7.13.E(1) of the Township of Verona Zoning Ordinances requires a minimum front yard setback of 30 feet in an R-60 Zone and a front yard setback of 17.6 feet off Elmwood are proposed requiring variance relief of 12.4 feet;
- (4) New Jersey Licensed Architect Karen Brinkman was sworn and accepted as an expert witness in the field of architecture;
- (5) On behalf of the Applicant, Architect Karen Brinkman began to present testimony in support of the application and testified that she was before the

Board seeking a bulk variance to construct an addition with a few other improvements;

- (6) Architect Karen Brinkman explained that the Applicants were seeking to construct an addition on their corner lot and described the existing nonconforming building would comply with the town ordinance if it were an interior lot;
- (7) According to Architect Karen Brinkman the best way for the Applicants to build the addition is to push towards Elmwood and build a family room with a 4th bedroom and bathroom on the 1st floor. Additionally, they will be seeking approval for a new HVAC system;
- (8) In response to a question from Verona Board Attorney, Michael Piromalli regarding where the HVAC air conditioning condenser units would be located Architect Karen Brinkman testified that they would be located in the front yard off Elmwood, in the rear of the house adjacent to the deck, right at the 30-foot setback where it will encroach by about 12 inches; and
- (9) Architect Karen Brinkman testifies that they will comply with all prior recommendations and rectified a previously existing issue with their fence.

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

- (1) The proposal to construct an addition to the existing single-family dwelling at the Property will be an appropriate improvement to the subject property;
- (2) Due to the Property sitting on a corner lot and needing to meet the minimum front yard setback requirement on two streets, it would be a hardship to the Applicant if required to strictly comply with the minimum front yard setback requirement applicable to the R-60 Zone;
- (3) The proposal to construct an addition to the existing single-family dwelling 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;
- (4) The benefits of allowing the Applicant to construct an addition to the existing single-family dwelling at the Property outweigh any detriments;
- (5) The proposal to construct an addition to the existing single-family dwelling 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 an addition to the existing single-family dwelling 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 an addition to the existing single-family dwelling at the Property and for the approval of a bulk variance pursuant to N.J.S.A. 40:55D-70(c) for minimum required front yard setback pursuant to Verona Chapter 150-7.13.E(1) where a minimum 30 foot front yard setback is required in the R-60 Zone and a 17.6 foot front yard setback is proposed with regard to the property located at 151 Claremont Avenue, Block 707, Lot 1, based upon the testimony taken on April 13, 2022, be granted, subject to the following conditions:

- (1) The Applicant's shall be bound by the content of the testimony of their Architect, Karen Brinkman, whose testimony was incorporated herein;
- (2) All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant's Architect, Karen Brinkman, who testified on their behalf;
- (3) The Applicant must comply with the condition that he is required to use deer resistant landscaping around the mechanical equipment; and
- (4) 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:

VANESSA JUAREZ & ALEXANDER MILLS
151 CLAREMONT AVENUE
BLOCK 707 LOT 1

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 March 9, 2023 and memorialized on April 13, 2023.

Marcie Maccarelli

Marcie Maccarelli,
Acting Board of Adjustment Secretary