

RESOLUTION 2021-22

IN THE MATTER OF THE APPLICATION

OF

CORRINE DRIVER

BOARD OF ADJUSTMENT
TOWNSHIP OF VERONA
ESSEX COUNTY, NEW JERSEY

WHEREAS, Corrine Driver (the "Applicant") is the owner of property located at 33 Birdseye Glen, Verona, New Jersey, said property also being known as Block 609, Lot 27 (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 bulk variances pursuant to N.J.S.A. 40:55D-70(c) to demolish an existing frame deck and sun room and to construct a new single story addition and composite deck with a mechanical wheelchair lift at the rear of the existing dwelling at the Property;

WHEREAS, the Applicant requested bulk variances for minimum single side yard setback where a minimum single side yard setback of 8 feet is required pursuant to Verona Chapter 150-17.3.D.2 and a single side yard setback of 5.33 feet is proposed, for minimum combined side yard setback where a minimum combined side yard setback of 18 feet is required pursuant to Verona Chapter 150-17.3.D.4 and a combined side yard setback of 13.083 feet is proposed and for combined side yard setback as percentage of lot width where a minimum 25% is required pursuant to Verona Chapter 150-17.3.E.6 and a combined side yard setback as percentage of lot width of 21.1% is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on June 10, 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-60 (Medium Density Single Family) Residential Zone;
- (2) The Applicant seeks to demolish an existing frame deck and sunroom and to construct a new single story addition and composite deck with a mechanical wheelchair lift at the rear of the existing dwelling at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-17.3.D.2 of the Township of Verona Zoning Ordinances requires a minimum single side yard setback of 8 feet in the R-60 Zone and a single side yard setback of 5.33 feet is proposed requiring variance relief of 2.67 feet;

- (4) Chapter 150-17.3.D.4 of the Township of Verona Zoning Ordinances requires a minimum combined side yard setback of 18 feet in the R-60 Zone and a combined side yard setback of 13.083 feet is proposed requiring variance relief of 4.917 feet;
- (5) Chapter 150-17.3.E.6 of the Township of Verona Zoning Ordinances requires a minimum 25% combined side yard setback as a percentage of lot width and a combined side yard setback as percentage of lot width of 21.1% is proposed requiring variance relief of 3.9%;
- (6) Architect Evan Scott was sworn, accepted as an expert witness in the field of architecture and began to present testimony in support of the application;
- (7) Architect Evan Scott began his testimony by explaining the Applicant was seeking to construct an addition at the rear of the existing dwelling to replace an existing sunroom. According Mr. Scott the addition would consist of a den space and a bathroom;
- (8) Architect Evan Scott also stated that the Applicant also intended to construct a deck off of the new addition with a vertical lift for wheelchair access to the deck and new addition;
- (9) Architect Evan Scott then indicated that the Applicant was before the Board seeking three bulk variances for minimum single side yard setback and combined side yard setback as well as minimum side yard setbacks as a total percentage of lot width;
- (10) Architect Evan Scott explained that there is currently shrubbery and an existing fence on the side of the Property where the addition is proposed and further that the windows for the new addition would not line up with the neighboring property's windows; and
- (11) Architect Evan Scott provided the necessary justification for the variance relief being requested under the c(2) criteria due to the benefits of allowing the proposed addition outweighing the detriments.

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

- (1) The proposal to demolish an existing frame deck and sunroom and to construct a new single story addition and composite deck with a mechanical wheelchair lift at the rear of the existing dwelling at the Property will be an appropriate improvement to the subject property;

- (2) The proposal to demolish an existing frame deck and sunroom and to construct a new single story addition and composite deck with a mechanical wheelchair lift at the rear of the existing 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;
- (3) The benefits of allowing the applicant to demolish an existing frame deck and sunroom and to construct a new single story addition and composite deck with a mechanical wheelchair lift at the rear of the existing dwelling at the Property outweigh any detriments;
- (4) The proposal to demolish an existing frame deck and sunroom and to construct a new single story addition and composite deck with a mechanical wheelchair lift at the rear of the existing 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
- (5) The proposal to demolish an existing frame deck and sunroom and to construct a new single story addition and composite deck with a mechanical wheelchair lift at the rear of the existing 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 demolish an existing frame deck and sun room and to construct a new single story addition and composite deck with a mechanical wheelchair lift at the rear of the existing dwelling at the Property and for the approval of bulk variances pursuant to N.J.S.A. 40:55D-70(c) for minimum single side yard setback where a minimum single side yard setback of 8 feet is required pursuant to Verona Chapter 150-17.3.D.2 and a single side yard setback of 5.33 feet is proposed, for minimum combined side yard setback where a minimum combined side yard setback of 18 feet is required pursuant to Verona Chapter 150-17.3.D.4 and a combined side yard setback of 13.083 feet is proposed and for combined side yard setback as percentage of lot width where a minimum 25% is required pursuant to Verona Chapter 150-17.3.E.6 and a combined side yard setback as percentage of lot width of 21.1% is proposed with regard to the property located at 33 Birdseye Glen, Block 609, Lot 27, based upon the testimony taken on June 10, 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; 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
CORRINNE DRIVER
33 BIRDSEYE GLEN
BLOCK 609 LOT 27**

VOTE : TO GRANT

AYES

DANIEL MCGINLEY, CHAIRMAN
LARRY LUNDY
CHRISTY DIBARTOLO
PAUL MATHEWSON, ALT#2

NAYS

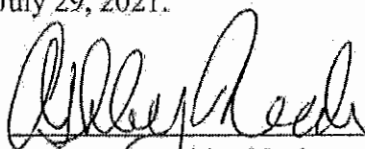
ABSTENTIONS

GENEVIEVE MURPHY-
BRADACS



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on June 10, 2021 and memorialized on July 29, 2021.



Ashley Neale
Board of Adjustment Secretary