

RESOLUTION 2021-26

IN THE MATTER OF THE APPLICATION

OF

DANIELLE LEONARDO

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

WHEREAS, Danielle Leonardo (the "Applicant") is the owner of property located at 261 Grove Avenue, Verona, New Jersey, said property also being known as Block 1201, Lot 8 (the "Property"), which is located in an R-50B (Medium/High Density Single Family) Zone District;

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 legalize an existing above ground swimming pool and timber deck in the rear yard at the Property;

WHEREAS, the Applicant requested bulk variances from the minimum required distance between a pool and side yard property line where a minimum 10 feet is required pursuant to Verona Chapter 150-7.5.A and the pool is 8.5 feet from a side yard property line, minimum required distance for any deck from a side yard property line where a minimum 8 feet is required pursuant to Verona Chapter 150-17.4.F.1 and the deck is 1 foot from a side yard property line, maximum permitted improved lot coverage where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.4.D.4 and an improved lot coverage of 50% is proposed and maximum aggregate area covered by an accessory structure in the yard it is located in where a maximum 15% of aggregate area is permitted pursuant to Verona Chapter 150-17.4.F.4 and an accessory structure which is 33% of the aggregate rear yard area is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at public hearings on August 12 and September 9, 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-50B (Medium/High Density Single Family) Residential Zone;
- (2) The Applicant seeks to legalize an existing above ground swimming pool and timber deck in the rear yard at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-7.5.A of the Township of Verona Zoning Ordinances requires a minimum distance of 10 feet from a pool to a side yard property line and

the existing pool is 8.5 feet from a side yard property line requiring variance relief of 1.5 feet;

- (4) Chapter 150-17.4.F.1 of the Township of Verona Zoning Ordinances requires a deck to be a minimum 8 feet from a side yard property line and the existing deck is 1 foot from a side yard property line requiring variance relief of 7 feet;
- (5) Chapter 150-17.4.D.4 of the Township of Verona Zoning Ordinances permits a maximum improved lot coverage of 40% where a maximum improved lot coverage of 50% is proposed requiring variance relief of 10%;
- (6) Chapter 150-17.4.F.4 of the Township of Verona Zoning Ordinances provides that the maximum aggregate area covered by the accessory structure in the yard it is located is 15% and an accessory structure is proposed which is 33% of the aggregate rear yard area requiring variance relief of 18%;
- (7) Property Owner Danielle Leonardo was sworn and began to present testimony in support of the application;
- (8) Danielle Leonardo began her testimony by describing the 24 foot round above ground pool and 26 foot by 36 foot deck which had been constructed in her rear yard and the variances requested in order to legalize the construction which was done without having first received a zoning permit;
- (9) Danielle Leonardo explained that she had the deck constructed up to the side and rear yard property lines to maximize the size of the deck and that she had constructed the pool in that location as it was the best possible location for the pool and pool equipment in the rear yard;
- (10) Danielle Leonardo stated that the rear yard of the Property abuts the parking lot for a commercial building such that the rear yard setback to the deck should not be an issue for the neighboring property;
- (11) In response to questions and comments from the Board, the Applicant agreed to remove a 9 foot and 6 inch section of the deck along the rear yard property line which would reduce the total area of the deck and eliminate a variance which had previously been requested for minimum distance of a deck to a rear yard property line; and
- (12) The reduction in the overall size of the deck would further reduce the

magnitude of the variance required for maximum aggregate area covered by the accessory structure in the yard.

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

- (1) The proposal to legalize an existing above ground swimming pool and timber deck in the rear yard at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to legalize an existing above ground swimming pool and timber deck in the rear yard 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 thereby promoting the general welfare of the Township and its residents;
- (3) The benefits of allowing the applicant to legalize an existing above ground swimming pool and timber deck in the rear yard at the Property outweigh any detriments;
- (4) The proposal to legalize an existing above ground swimming pool and timber deck in the rear 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 legalize an existing above ground swimming pool and timber deck in the rear yard 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 legalize an existing above ground swimming pool and timber deck in the rear yard at the Property and for the approval of bulk variances pursuant to N.J.S.A. 40:55D-70(c) from the minimum required distance between a pool and side yard property line where a minimum 10 feet is required pursuant to Verona Chapter 150-7.5.A and the pool is 8.5 feet from a side yard property line, minimum required distance for any deck from a side yard property line where a minimum 8 feet is required pursuant to Verona Chapter 150-17.4.F.1 and the deck is 1 foot from a side yard property line, maximum permitted improved lot coverage where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.4.D.4 and an improved lot coverage of 50% is proposed and maximum aggregate area covered by an accessory structure in the yard it is located in where a maximum 15% of aggregate area is permitted pursuant to Verona Chapter 150-17.4.F.4 and an accessory structure which is 33% of the aggregate rear yard area is proposed with regard to the property located at 261 Grove Avenue, Block 1201, Lot 8, based upon the testimony taken on August 12 and September 9, 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;
- (3) The approvals granted herein shall expire unless construction is begun within two years of the date of the memorializing resolution; and
- (4) The Applicant will reduce the size of the deck by removing a 9 foot and 6 inch section along the rear yard property line for the entire length of the existing deck.

IN THE MATTER OF THE APPLICATION OF
DANIELLE LEONARDO
261 GROVE AVENUE
BLOCK 1201 LOT 8

VOTE : TO GRANT

AYES

DANIEL McGINLEY, CHAIRMAN
SCOTT WESTON, VICE CHAIRMAN
LARRY LUNDY
CHRISTY DIBARTOLO
GENEVIEVE MURPHY-BRADACS
PAT LISKA
PAUL MATHEWSON, ALT#2

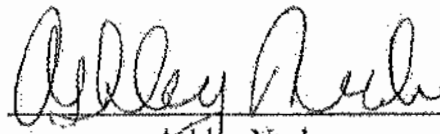
NAYS

ABSTENTIONS



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on September 9, 2021 and memorialized on October 14, 2021.



Ashley Neale
Board of Adjustment Secretary