

RESOLUTION 2021-27

IN THE MATTER OF THE APPLICATION

OF

PAUL & MELISSA WATKINS

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

WHEREAS, Paul and Melissa Watkins (collectively the "Applicant") are the owners of property located at 69 South Prospect Street, Verona, New Jersey, said property also being known as Block 1805, Lot 1 (the "Property"), which is located in an R-60 (Medium Density Single Family) Zone District;

WHEREAS, the Applicant filed an application with the Verona Zoning Board of Adjustment (the "Board") requesting the approval of two bulk variances pursuant to N.J.S.A. 40:55D-70(c) to install 60 linear feet of 6 foot high vinyl privacy fencing in a required front yard which will be 6 inches from a front property line at the Property;

WHEREAS, the Applicant requested two bulk variances from the maximum permitted fence height in any front yard where the maximum permitted height for a fence in any front yard is 3 feet pursuant to Verona Chapter 150-7.3.B and a fence height of 6 feet is proposed and minimum required distance for a fence from a front property line where a minimum 10 feet between a fence and a front property line is required pursuant to Verona Chapter 150-7.3.I and a distance of 6 inches is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at the public hearing on Thursday 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-60 (Medium Density Single Family) Residential Zone;
- (2) The Applicant seeks install 60 linear feet of 6 foot high vinyl privacy fencing in a required front yard which will be 6 inches from a front property line at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-7.3.B of the Township of Verona Zoning Ordinances permits a maximum fence height of 3 feet in any front yard and a fence height is 6 feet is proposed in a front yard requiring variance relief of 3 feet;
- (4) Chapter 150-7.3.E.I of the Township of Verona Zoning Ordinances requires a minimum 10 feet between any fence and front property line and

a fence is proposed which will be 6 inches from a front property line requiring variance relief of 9 and ½ feet;

- (5) Property Owners Paul Watkins and Melissa Watkins were sworn and began to present testimony in support of the application;
- (6) Melissa Watkins began her testimony by explaining that they were before the Board seeking variance relief in order to construct a 6 foot high privacy fence in a front yard and describing the variances requested;
- (7) Melissa Watkins also advised the Board that the Property was a corner lot which has two front yards and that the fence was proposed along the Pease Avenue frontage;
- (8) Paul Watkins testified that they have three small children who play in the yard and that he is concerned about their safety;
- (9) Paul Watkins stated that the fence would to provide a barrier to keep the children in the yard and also to screen the children's play equipment from the neighbors;
- (10) Paul Watkins explained that the proposed fence would be installed where there are existing hedges which would be removed but that the hedges had been there for over 45 years and are damaged and unsalvable;
- (11) Paul Watkins testified that the proposed location of the fence would not impede any sight lines relating to the stop sign on the corner; and
- (12) No members of the public asked any questions or made any comments regarding the application.

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

- (1) The proposal to install 60 linear feet of 6 foot high vinyl privacy fencing in a required front yard which will be 6 inches from a front property line at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to install 60 linear feet of 6 foot high vinyl privacy fencing in a required front yard which will be 6 inches from a front property line 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 install 60 linear feet of 6 foot high vinyl privacy fencing in a required front yard which will be 6 inches from a front property line at the Property outweigh any detriments;
- (4) The proposal to install 60 linear feet of 6 foot high vinyl privacy fencing in a required front yard which will be 6 inches from a front property line 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 60 linear feet of 6 foot high vinyl privacy fencing in a required front yard which will be 6 inches from a front property line 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 install 60 linear feet of 6 foot high vinyl privacy fencing in a required front yard which will be 6 inches from a front property line at the Property and for the approval of two bulk variances pursuant to N.J.S.A. 40:55D-70(c) from the maximum permitted fence height in any front yard where the maximum permitted height for a fence in any front yard is 3 feet pursuant to Verona Chapter 150-7.3.B and a fence height of 6 feet is proposed and minimum required distance for a fence from a front property line where a minimum 10 feet between a fence and a front property line is required pursuant to Verona Chapter 150-7.3.I and a distance of 6 inches is proposed with regard to the property located at 69 South Prospect Street, Block 1805, Lot 1 based upon the testimony taken on 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; 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
PAUL & MELISSA WATKINS
69 SOUTH PROSPECT STREET
BLOCK 1805 LOT 1

VOTE : TO GRANT

AYES

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

NAYS

ABSTENTIONS

CHRISTY DIBARTOLO



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