

RESOLUTION 2021-28

IN THE MATTER OF THE APPLICATION

OF

RACHAEL WAGNER

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

WHEREAS, Rachael Wagner (the "Applicant") is the owner of property located at 12 Lynwood Road, Verona, New Jersey, said property also being known as Block 1404, Lot 25 (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 a bulk variance pursuant to N.J.S.A. 40:55D-70(c) to construct a new 7 foot wide by 20 foot long covered patio in the front yard at the Property;

WHEREAS, the Applicant requested a bulk variance from the minimum front yard setback requirement where a minimum front yard setback of 30 feet is required pursuant to Verona Chapter 150-17.3.E.3 and a front yard setback of 22.76 feet 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 to construct a new 7 foot wide by 20 foot long covered patio in the front yard at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-17.3.E.3 of the Township of Verona Zoning Ordinances requires a minimum front yard setback of 30 feet where a front yard setback of 22.76 feet is proposed requiring variance relief of 7.24 feet;
- (4) Property Owner Rachael Wagner was sworn and began to present testimony in support of the application;
- (5) Rachael Wagner began her testimony by explaining her intention to construct a 7 by 20 foot front porch which would result in a zoning violation for the minimum required front yard setback;

- (6) Rachael Wagner continued stating the minimum front yard setback requirement was 30 feet and that the front yard setback after the front porch was installed would be 22.76 feet requiring variance relief and presented the justifications for the variance requested;
- (7) In response to a question from the Board, Rachael Wagner testified that she had hand delivered the legal notices to her neighbors within 200 feet of the Property and none of her neighbors expressed any concerns with the proposed front porch;
- (8) In response to a questions from the Board, Rachael Wagner testified that all of the landscaping currently in front of the existing dwelling would be relocated to be in front of the proposed front porch; and
- (9) No members of the public asked any questions or made comments with regard to the application.

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

- (1) The proposal to construct a new 7 foot wide by 20 foot long covered patio in the front yard at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to construct a new 7 foot wide by 20 foot long covered patio in the front 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 construct a new 7 foot wide by 20 foot long covered patio in the front yard at the Property outweigh any detriments;
- (4) The proposal to construct a new 7 foot wide by 20 foot long covered patio in the front 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 construct a new 7 foot wide by 20 foot long covered patio in the front 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 construct a new 7 foot wide by 20 foot long covered patio in the front yard at the Property and for the approval of a bulk variance pursuant to

N.J.S.A. 40:55D-70(c) from the minimum front yard setback requirement where a minimum front yard setback of 30 feet is required pursuant to Verona Chapter 150-17.3.E.3 and a front yard setback of 22.76 feet is proposed with regard to the property located at 12 Lynwood Road, Block 1404, Lot 25, 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 her 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
RACHEL WAGNER
12 LYNWOOD ROAD
BLOCK 1404 LOT 25**

VOTE : TO GRANT

AYES

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

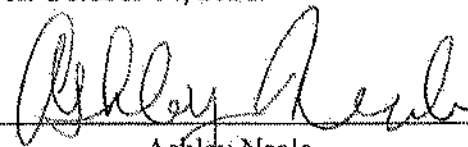
NAYS

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