

**TOWNSHIP OF VERONA
BOARD OF ADJUSTMENT APPLICATION**

DATE APPLICATION 12/14/20 CASE # 2021-05
PROPERTY ADDRESS 19 Hamilton Road
BLOCK 801 LOT 35 ZONE R-50
APPLICANT'S NAME Meghan + Jason Kelly
PHONE # - CELL PHONE # 973-953-2992
EMAIL meghan.kelly625@gmail.com
PROPERTY OWNER'S NAME Meghan + Jason Kelly
PROPERTY OWNER'S ADDRESS 19 Hamilton Road Verona
PROPERTY OWNER'S PHONE # - CELL # 973-953-2992
PROPERTY OWNER'S EMAIL meghan.kelly625@gmail.com
RELATIONSHIP OF APPLICANT TO OWNER -

REQUEST IS HEREBY MADE FOR PERMISSION TO DO THE FOLLOWING:
Build a wood deck along rear side of house

CONTRARY TO THE FOLLOWING:
The current house structure exceeds the lot coverage current limits.

LOT SIZE:	EXISTING	<u>6,891</u>	PROPOSED	<u>6,891</u>	TOTAL	<u>6,891</u>
HIEGHT:	EXISTING	<u>1.5 story</u>	PROPOSED	<u>1.5 story</u>		
PERCENTAGE OF BUILDING COVERAGE:	EXISTING	<u>25.80</u>	PROPOSED	<u>29.92</u>		
PERCENTAGE OF IMPROVED LOT COVERAGE:	EXISTING	<u>45%</u>	PROPOSED	<u>49.62%</u>		
PRESENT USE	<u>grass yard</u>		PROPOSED USE	<u>wood deck</u>		
SET BACKS OF BUILDING:	REQUIRED		EXISTING		PROPOSED	
FRONT YARD	<u>30</u>		<u>24.42</u>		<u>24.42</u>	
REAR YARD	<u>30</u>		<u>6ft±</u>		<u>6ft±</u>	
SIDE YARD (1)	<u>8</u>		<u>10.01</u>		<u>10.01</u>	
SIDE YARD (2)	<u>18</u>		<u>21.06</u>		<u>21.06</u>	

DATE PROPERTY WAS ACQUIRED 7/20/18

TYPE OF CONSTRUCTION PROPOSED:

Wood deck with stairs

SIGN INFORMATION (if applicable): supply details on location, dimensions, height and illumination

N/A

AREA PER FLOOR (square feet):	EXISTING	PROPOSED	TOTAL
BASEMENT	1,376	—	1,376 (nochange)
FIRST FLOOR	1,376	284	1,660
SECOND FLOOR	N/A	N/A	N/A
ATTIC	1,376	—	1,376 (nochange)

NUMBER OF DWELLING UNITS: EXISTING 1 PROPOSED 1 (Nochange)

NUMBER OF PARKING SPACES: EXISTING 4 PROPOSED 4 (No change)

History of any previous appeals to the Board of Adjustments and the Planning Board

N/A

What are the exceptional conditions that warrant relief from compliance with the Zoning Ordinance?

The property, as originally built, is not in compliance with current zoning requirements. Any request to alter the footprint would be denied.

Supply a statement of facts showing how relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and the Zoning Ordinance

The proposed structure would fall within current wood deck regulations, but our house already exceeds current limits. The setbacks do follow current guidelines.

History of any deed restrictions:

N/A

A legible plot plan or survey to scale (not less than 1"=100') of the property indicating the existing and/or proposed structure and scale drawings of the existing and/or proposed structure must be provided.

A copy of any conditional contract relating to this application must be filed with this application.

If the applicant is a corporation or partnership, the names, addresses and phone numbers of those owning a 10% or greater interest in the corporation shall be provided.

Name <u>N/A</u>	Address _____	Phone # _____
Name _____	Address _____	Phone # _____
Name _____	Address _____	Phone # _____
Name _____	Address _____	Phone # _____

Expert witness(es) that will present evidence on behalf of this application:

Attorney:

Name _____
Address _____
Phone # _____
Fax # _____
Email _____

Architect/Engineer:

Name _____
Address _____
Phone # _____
Fax # _____
Email _____

Planner:

Name _____
Address _____
Phone # _____
Fax # _____

BOARD OF ADJUSTMENT APPLICATION SITE PLAN

O INDICATES SHRUBS OR TREES
X INDICATES FENCES

NEIGHBOR'S HOUSE
ESTIMATE DISTANCE FROM
THE PROPOERTY LINE

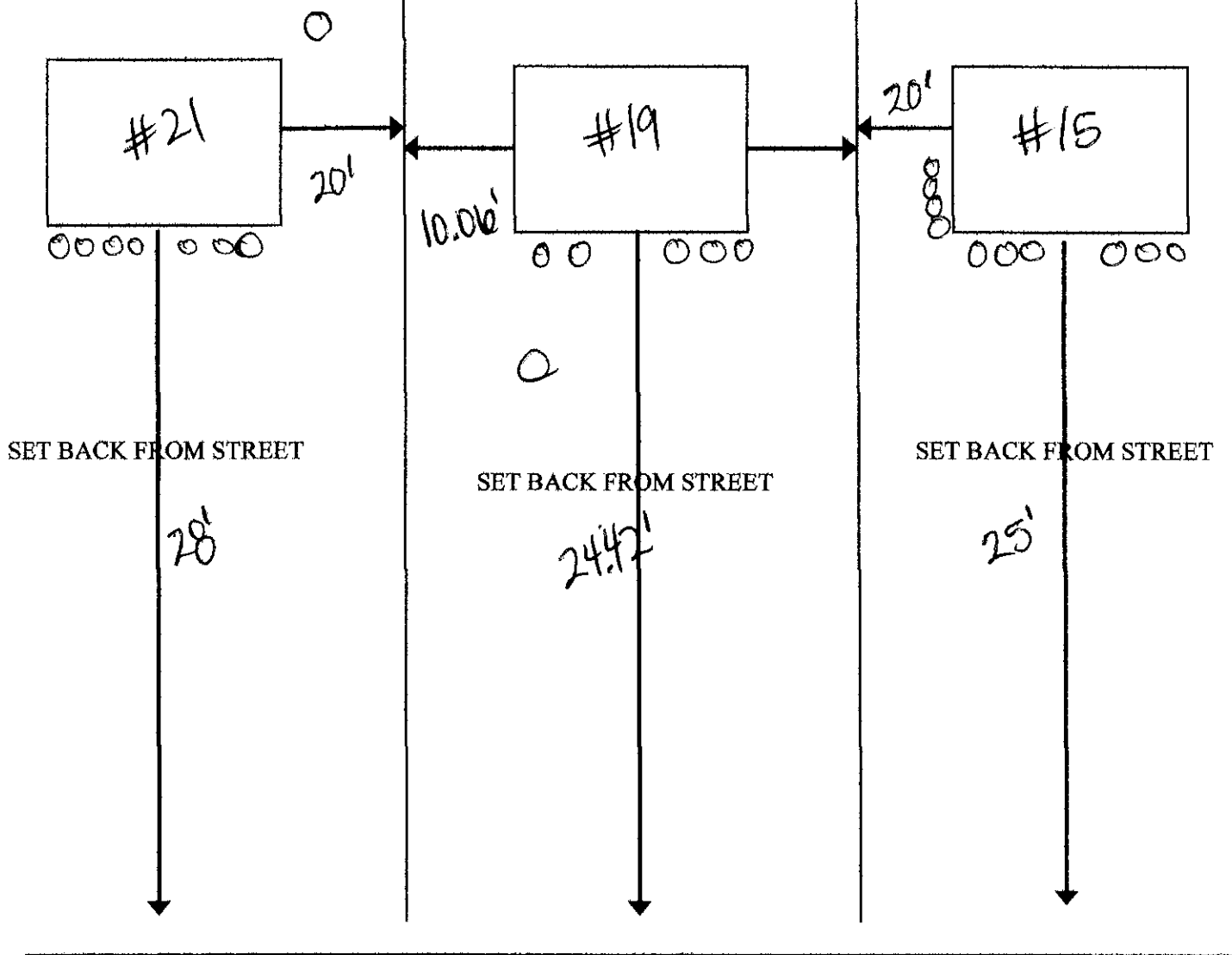
HOUSE ON LEFT

APPLICANT'S HOUSE
SHOW THE DISTANCE TO THE
PROPERTY LINE FROM
SURVEY

CENTER HOUSE

NEIGHBOR'S HOUSE
ESTIMATE DISTANCE FROM
THE PROPOERTY LINE

HOUSE ON RIGHT



STREET

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY
COUNTY OF ESSEX

Meghan Kelly OF FULL AGE, BEING DULY SWORN ACCORDING TO LAW ON
OATH DEPOSED AND SAYS, THAT DEPONENT RESIDES AT 19 Hamilton Road, IN THE CITY OF
VERONA IN THE COUNTY OF ESSEX AND STATE OF NJ AND THAT
Meghan Kelly IS THE OWNER IN FEE OF ALL THAT CERTAIN LOT, PIECE OF LAND,
SITUATED, LYING AND BEING IN THE TOWNSHIP OF VERONA AFORESAID AND KNOWN AND DESIGNATED AS
BLOCK 801 AND LOT 35 AS SHOWN ON THE TAX MAPS OF THE TOWNSHIP OF VERONA.

Rayts
NOTARY
Ray Castellano
Attorney at Law
State of New Jersey

Meghan Kelly
Meghan Kelly
OWNER

AFFIDAVIT OF APPLICANT

COUNTY OF ESSEX
STATE OF NEW JERSEY

Meghan Kelly OF FULL AGE, BEING DULY SWORN ACCORDING TO LAW, ON
OATH DEPOSED AND SAYS THAT ALL OF THE ABOVE STATEMENTS CONTAINED IN THE PAPERS SUBMITTED
HEREWITH ARE TRUE. SWORN TO AND SUBSCRIBED BEFORE ME ON THIS 11th DAY OF December
2020.

Rayts
NOTARY
Ray Castellano
Attorney at Law
State of New Jersey

Meghan Kelly
Meghan Kelly
APPLICANT

AUTHORIZATION

IF ANYONE OTHER THAN THE OWNER IS MAKING THIS APPLICATION, THE FOLLOWING AUTHORIZATION MUST BE EXECUTED.

TO THE BOARD OF ADJUSTMENT

_____ IS AUTHORIZED TO MAKE THE WITHIN APPLICATION.

SWORN AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 20_____.

NOTARY

APPLICANT

N/A

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY

COUNTY OF ESSEX

_____ OF FULL AGE, BEING DULY SWORN ACCORDING TO LAW, ON HIS OATH DEPOSED AND SAYS THAT HE OR SHE RESIDES AT

_____ IN THE COUNTY OF ESSEX , AND STATE

AND THAT HE OR SHE DID ON _____ AT LEAST TEN (10) DAYS

PRIOR TO THE HEARING DATE, GIVE PERSONAL NOTICE TO ALL PROPERTY OWNERS WITHIN 200 FEET OF THE

PROPERTY AFFECTED LOCATED AT _____ SAID

NOTICE WAS GIVEN BY HANDING A COPY TO THE PROPERTY OWNER OR BY SENDING SAID NOTICE BY

CERTIFIED MAIL. COPIES OF THE REGISTERED RECEIPTS ARE ATTACHED HERETO.

NOTICES WERE ALSO SERVED UPON:

CHECK IF APPLICABLE

() CLERK OF THE _____ OF _____

() COUNTY PLANNING BOARD

() STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS _____ DAY OF _____ 20_____.

NOTARY

APPLICANT

Meghan & Jason Kelly
19 Hamilton Road.

SHEET 9



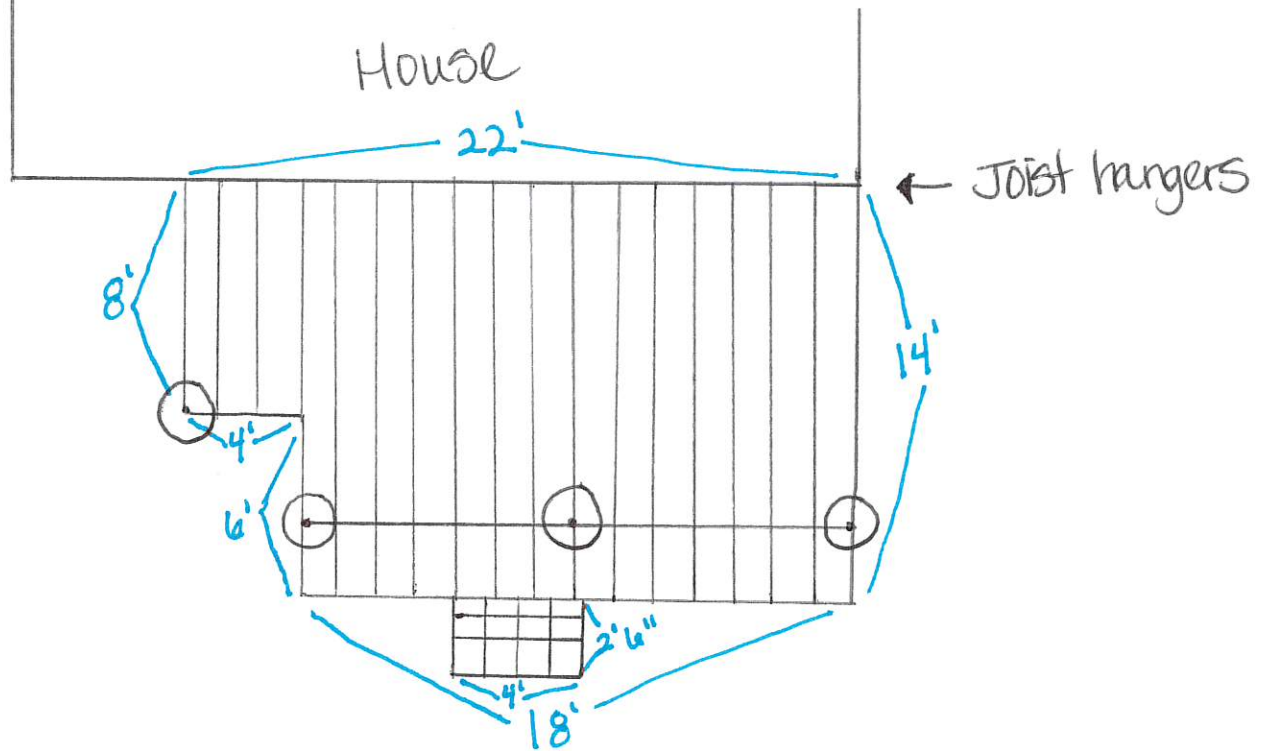
SHEET 17

SHEET 7

THIS IS A COPY
PREPARED BY
DATED JAN 1, 1981
IS ON FILE IN

PLS	LICENSE	DATE	REVISION

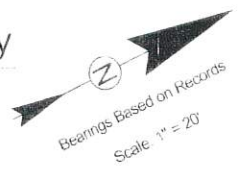
Meghan + Jason Kelly
19 Hamilton Rd.



- 5/4" x 6" pressure treated decking
- 2x8 joists - 16" o/c - pressure treated
- 2" x 2" pressure treated rails (36")
- 12" x 36" footings
- 6" x 6" pressure treated wood beams
- 1'6" from ground at corner near back door
- 2'9" from ground at northern corner

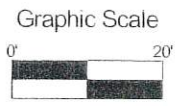
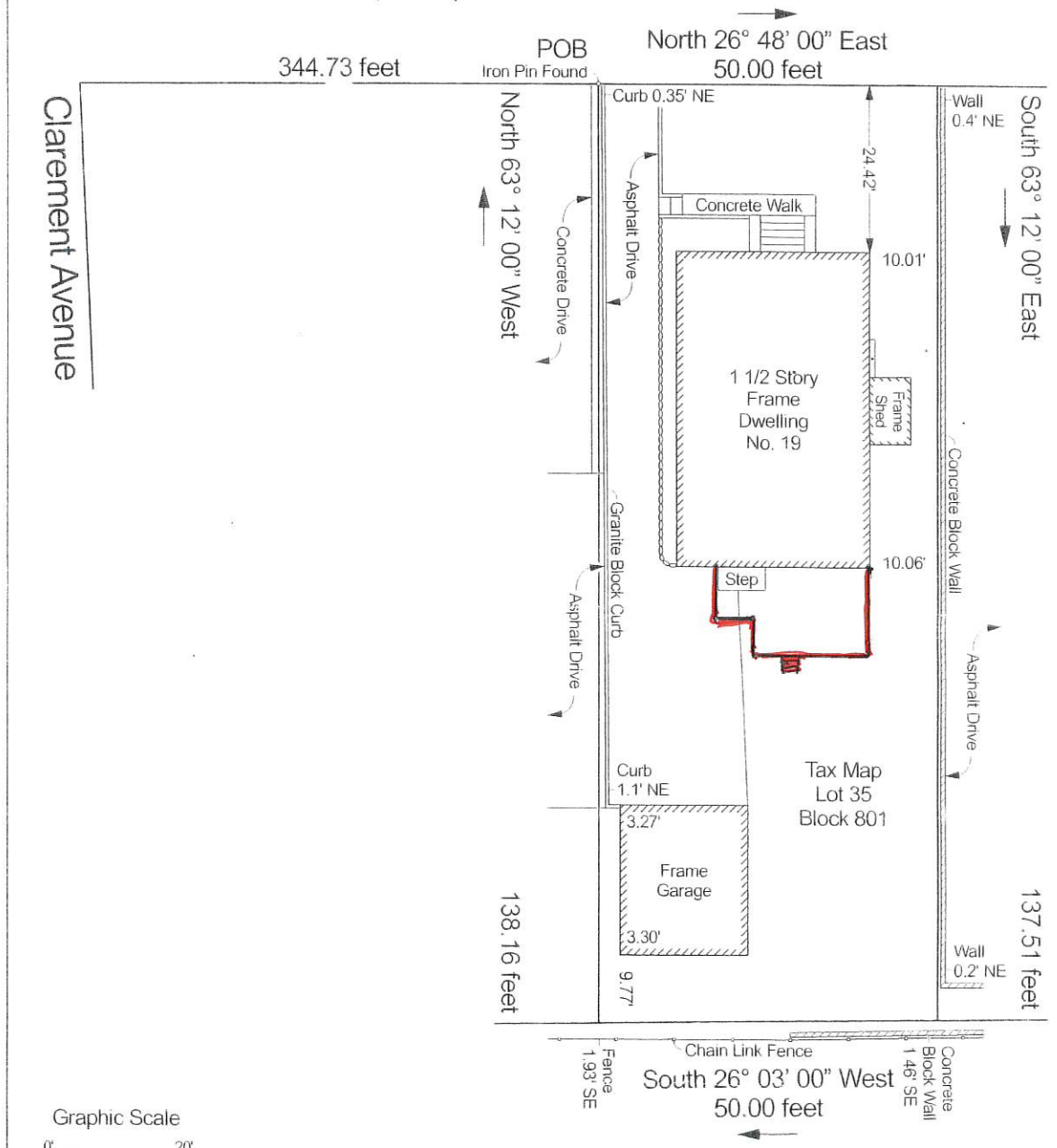
Meghan & Jason Kelly
 19 Hamilton Rd.

MAP OF PROPERTY
 situated in the
 Township of Verona, Essex County, New Jersey



Hamilton Road
 (50' ROW)

Claremont Avenue



A written "Waiver of Setting Corner Markers" has been obtained from the ultimate user pursuant to P.L. 2003 c.14 (N.J.S.A. 45:8-36.3) and N.J.A.C. 13:40-5.1(d).

<p>DATE: 07/20/2018</p> <p>SCALE: 1" = 20'</p> <p>DRAWN: F.D.</p> <p>CHECKED: R.J.H.</p> <p>TAX MAP</p> <p>SURVEY: 18-25916</p> <p>Office FAX (973) 509-8802</p>	<p>THIS SURVEY PREPARED ONLY FOR:</p> <p>Evident Title Agency, Inc. (ETA3-18-9616) Stewart Title Guaranty Company Stearns Lending, LLC Jason T. Kelly and Meghan L. Kelly Ray Castellano, Esq.</p>	<p>RICHARD J. HINGOS INC. PROFESSIONAL LAND SURVEYORS 539 VALLEY ROAD P.O. BOX 43752 UPPER MONTCLAIR, NJ 07043 TELEPHONE (973) 783-1114 EMAIL: RJHINGOS@COMCAST.NET</p> <p><i>[Signature]</i> RICHARD J. HINGOS, JR. N.J. LIC. NO. 43231 PROFESSIONAL LAND SURVEYOR CERTIFICATE OF AUTHORIZATION NO. 24GA28U46000</p>
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MAYOR
JACK McEVOY
 DEPUTY MAYOR
ALEX ROMAN
 COUNCIL MEMBERS
KEVIN J. RYAN
EDWARD GIBLIN
CHRISTINE McGRATH

TOWNSHIP OF VERONA
 COUNTY OF ESSEX, NEW JERSEY



TOWNSHIP MANAGER
MATTHEW CAVALLO
 TOWNSHIP CLERK
JENNIFER KIERNAN
 TOWNSHIP ATTORNEY
BRIAN J. ALOIA, ESQ.

VERONA COMMUNITY CENTER
 880 BLOOMFIELD AVENUE
 VERONA, NEW JERSEY 07044

MUNICIPAL BUILDING
 600 BLOOMFIELD AVENUE
 VERONA, NEW JERSEY 07044

DEPARTMENT OF PUBLIC WORKS
 10 COMMERCIAL COURT
 VERONA, NEW JERSEY 07044

August 10, 2020

(973) 239-3220
 WWW.VERONANJ.ORG

Township of Verona Zoning Dept.
 Re: Zoning Letter of Denial

Owner: Mr. Jason and Mrs. Meghan Kelly
 Applicant: 19 Hamilton Road
 Verona, NJ 07044
 Property: 19 Hamilton Road
 Lot 35 Block 801
 Zone: R-50 (High Density)

This office is in receipt of the following drawings which were submitted by the owner/applicant for consideration.

- Zoning Application dated 07/26/20
- Survey of property prepared by Richard J. Hingos Inc. dated 07/20/2018
- Plans and sketches prepared by the owner/applicant.

The applicant is seeking approval construct a 284 square foot deck frame deck at the rear of the existing dwelling.

The plan does **NOT** indicate any proposed impacts to the existing setbacks for both principal and accessory structures, some of which are non-compliant with current zoning regulations which then makes the dwelling an existing non-conforming structure to which certain regulations shall apply towards the addition of both building additions and decks.

The property commonly known as 19 Hamilton Road and also being shown on the Official Tax Maps of the Township of Verona as Tax Lot 35 in Block 801, is situate in the Townships "R-50" High Density Residential Zone, as shown upon the Townships official Zoning Map, prepared by Kasler Associates, PA dated July 11, 2011.

Zoning Site Data

Zoning Permit 2020-154	Bulk Schedule §150-17.5					
Zone R-50	Required	Existing	Proposed	Existing	Proposed	Compliance
Lot Size (Sq.Ft.)	5,000	6,891.00	6,891.00	Y	Y	No
Lot Width (Ft.)	50	50.00	50.00	Y	Y	No
Front Yard Setback (Ft.)	30	24.42	24.42	N	N	Exist.Non Comply
Side Yard Setback One (Ft.)	8	10.01	10.01	Y	Y	No
Side Yard Setback Both (Ft.)	18	21.06	21.06	Y	Y	No
Side Yard Setback Both (Ft.) % of Lot Width	25	42.12	42.12	Y	Y	No
Rear Yard Setback (Ft.)	30	66 ±	66 ±	Y	Y	No
Building Height (Story/Ft.)	2.5/30	1.5 Sty. / Ht. n/c	1.5 Sty. / Ht. n/c	Y	Y	No
Lot Coverage (% Building)	30	25.80	29.92	Y	Y	No
Improved Lot Coverage (% All)	40	45.00	49.62 *	N	N	Variance Required
Floor Area Ratio (%)	N/A	N/A	N/A	N/A	N/A	N/A
Accessory Structure & Use	Required	Existing	Proposed	Existing	Proposed	Compliance
Side Yard Setback One (Ft.)	8	3.27	3.27	N	N	Exist.Non Comply
Rear Yard Setback (Ft.)	10	9.77	9.77	N	N	Exist.Non Comply
Min. Distance between Accessory and Principal Use (Ft.)	10	>10	>10	Y	Y	No
Max. aggregate area covered by Accessory Structure in the Yard it is located in. (%)	10	<5%	<5%	Y	Y	No
Maximum Height (Stories/Feet)	1½ / 15	1½ / 15	1½ / 15	N/A	N/A	No

Decision:

§150-7.21 Decks. "If an existing building fails to comply with zoning setback requirements, uncovered decks may be added, provided that all of the following conditions are met":

A. That the deck does not exceed 20% of the building footprint.

The existing dwelling is 1,376 square feet. The Proposed deck is 284 square feet. ($1,376/284 = 0.2063$)

The proposed deck will 20% of the building/deck footprint.

Complies

B. That no portion of the deck shall be elevated more than four feet above grade, excluding handrails and guardrails.

The proposed deck is approximately 4 feet in height.

Complies

C. That the deck does not extend into the side yard beyond the line of the existing dwelling unless the deck meets the side yard setback requirements of this chapter.

Complies

D. That the deck shall be no less than five feet from the side lot line and no less than 20 feet from the rear lot line.

Complies

However since the proposed improvements will further exceed the percentage of improved lot coverage this office has **DENIED** the applicants request for zoning approval for the following reason(s)

- **Variance Required - §150-17.05 (D) (4) maximum permitted improved lot coverage is 40%, proposed improved lot coverage is 49.62%***

Should you require any additional information, please contact our office.

Michael C. DeCarlo

Michael C. DeCarlo
Engineering Manager – Zoning Official

Note:

Appeals to the zoning board of adjustment from the decision of an administrative officer must be taken within 20 days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal. N.J.S. 40:55D-72a. Failure to adhere to the time for appeal will result in the zoning board not having jurisdiction to consider the appeal.



