RESOLUTION 2024-08

IN THE MATTER OF THE APPLICATION

OF

ROSE AND MICHAEL SYMEONIDES

BOARD OF ADJUSTMENT
TOWNSHIP OF VERONA
ESSEX COUNTY, NEW JERSEY

Application 2024-07: 114 Park Avenue; Block 611, Lot 1 – Zone: R50-B

WHEREAS, Rose Symeonides and Michael Symeonides (the "Applicant") are the owners of 114 Park Avenue, Verona, New Jersey (the "Property"); and

WHEREAS, the Property is located in the R50-B Zone on the Township of Verona zoning map; and

WHEREAS, Applicant requests approval to construct a rear rooftop terrace over a new attached masonry garage which will replace an existing wood deck; Applicant further requests approval to relocate the existing driveway on the Property; and

WHEREAS, The Property complies with the minimum lot size requirements in the R50-B zone; and

WHEREAS, the Applicant made an Application to the Zoning Board for permission to construct a rooftop terrace above the existing garage; and

WHEREAS, a rooftop terrace is not a permitted accessory use in prevailing Section 150-17.4B of the Verona Code; and

WHEREAS, the Applicant additionally sought approval to relocate the driveway on the Property from the easterly side of the existing home to the westerly side of the home; and

WHEREAS, the Applicant sought variances that became necessary because of modifications to the application during the hearing and;

WHEREAS, the Application was heard by the Board at a meeting held on March 24, 2022 at which time it was established that notice of the Application was properly published and that the property owners entitled to notice in accordance with the Municipal Land Use Law had been served such notice, and the Application was deemed complete; and

WHEREAS, John Guadarnoli, AIA, 224 Lorraine Avenue, Montclair, NJ appeared on behalf of the Applicant after being sworn in and qualified as an expert in Architecture. Mr. Guadarnoli introduced the following Exhibits:

1. Exhibit A-1 Plans - Dated May 9, 2024

Mr. Guadarnoli testified that the Applicants are requesting approval from the Board to install a terrace in the back of the house. A terrace is a non-permitted accessory use and therefore the Applicants require a use variance. He further testified that the terrace would be built on top of a new two-car garage which would replace the existing one-car garage. The Applicants seek further to convert the portion of the existing driveway that is owned by the Applicants into greenery and to construct a new driveway on the easterly side of the home.

The Applicant would be eliminating non-conforming existing deck height and the existing garage which violates the side yard setback zoning requirement.

Mr. Guadarnoli further testified that neither the new driveway nor the terrace would be visible to rear neighbors and that there would be no adverse impact on neighbors or the general public if the Board granted the relief sought. Mr. Guardarnoli testified to the Board that he had read the April 24, 2024 engineering review memo prepared by Boswell Engineering and that the Applicant would comply with each of the requirements set forth in that memo and he further testified that the Applicant would satisfy all of the concerns raised by Boswell during the hearing and thereafter, including but not limited to stormwater management;

WHEREAS, members of the Board questioned the witness and the Applicant regarding too many aspects of the application and the Board established the following findings:

1. The subject property is in the R-50-B single-family zone and contains one single-family residence on a conforming lot.

2. There are existing zoning violations as follows:
   (a) non-conforming deck;
   (b) side yard setback violation-garage
   (c) excess impervious coverage

3. The Applicant's proposed improvement on the Property will eliminate the non-conformities set forth in the preceding paragraph 2.

4. The Applicant has proven a hardship, i.e. the Applicant owns only a small strip of the current driveway and is subject to the discretion of Applicant's adjoining neighbor as to the use of that driveway. The granting of the variance will allow Applicant to construct a new driveway for Applicant's sole use.

5. The benefits of the deviation from the zoning code i.e. allowing the terrace to be constructed above the garage, outweigh any detriments and the variances can be granted without detriment to the public good.

6. That the Applicants were seeking variances pursuant to NJSA 40:55d-70d and that the Applicants met the burden set forth in that statute because the Applicants showed that the purpose of the municipal land use law would be advanced by the deviation from the zoning ordinance requirements and that if granted, the variances would not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, the Board decided based on the foregoing that the Application should be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Verona, that the referenced application be hereby approved subject to the following conditions:

1. The Applicant will comply with all conditions and recommendations set forth in the April 24, 2024 Boswell Engineering Memorandum.

2. The Applicant will comply with all representations made by and on behalf of the Applicant during the hearing.

3. The Applicant will satisfy all post-hearing conditions imposed by township professionals including but not limited to professionals from Boswell Engineering regarding completion of the project.

NOW THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Applicant, Township Manager, Township Council and Township Clerk.

IN THE MATTER OF:

Rose Symeonides and Michael Symeonides
114 Park Avenue
Verona, New Jersey 07044
Block 611, Lot 1

	AYES	NAYS	ABSTENTION	ABSENT
Dr. Ries (Alt. #1)	X			
Mr. Cuartas			X	
Mr. Ryan	X			
Mrs. Murphy-Bradacs				X
Mr. Matthewson			X	
Mrs. DiBartolo			X	
Vice Chair Weston	X			
Chair McGinley	X			

Daniel McGinley – Chairman

The foregoing is a true copy of a resolution adopted by the Verona Township Board of Adjustment at their meeting of May 9th, 2024, memorialized on June 13th, 2024.

Malak Metwaly - Board of Adjustment Secretary