



**RESOLUTION NO. 2026-17
TOWNSHIP OF VERONA
ZONING BOARD OF ADJUSTMENT
COUNTY OF ESSEX, STATE OF NEW JERSEY**

Application No. 2026-15 17 Douglas Place, Block 201, Lot 46
Zone: R-50 (Single-Family Residential)

RESOLUTION MEMORIALIZING THE GRANT OF BULK VARIANCE RELIEF

WHEREAS, Nicholas Gaviria and Gianna Gaviria (collectively, the “Applicants”) are the owners of the property located at 17 Douglas Place, Verona, New Jersey, designated as Block 201, Lot 46 on the Township of Verona Tax Map (the “Property”); and

WHEREAS, the Property is located in the R-50 Zone District on the Township of Verona Zoning Map; and

WHEREAS, the Applicants submitted an application to the Verona Zoning Board of Adjustment (the “Board”) seeking approval to install two (2) air-conditioning condenser units along the side of the existing single-family residence on the Property (the “Application”); and

WHEREAS, this matter was heard during a Regular Meeting of the Verona Zoning Board of Adjustment conducted on July 9, 2026, at which time the Application was deemed complete and it was established that the Applicants had met the notice requirements set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Applicants were permitted to proceed; and

WHEREAS, Nicholas Gaviria and Gianna Gaviria were sworn in by the Board Attorney and testified in support of the Application; and

APPLICABLE ORDINANCE PROVISIONS

WHEREAS, the Ordinance provision applicable to this Application and the variance required by the Applicants is as follows:

§ 150-17.5 D.(4) Maximum Improved Lot Coverage. The maximum permitted improved lot coverage is 40%, or 1,800 square feet for the Property. The existing improved lot coverage is 62.4%, or 2,809.44 square feet, which constitutes a pre-existing non-conforming condition. The proposed improved lot coverage is 62.6%, or 2,817.44 square feet, an increase of eight (8) square feet, which would exacerbate the pre-existing non-conforming condition. A variance is required; and

WHEREAS, the relief sought is bulk variance relief pursuant to N.J.S.A. 40:55D-70(c);
and

TESTIMONY AND EVIDENCE

WHEREAS, the Applicants testified that the Property is a non-conforming, undersized lot of approximately 4,500 square feet, and that the existing improved lot coverage already exceeds the maximum coverage permitted in the R-50 Zone District; and

WHEREAS, the Applicants testified that the proposed air-conditioning condenser units measure approximately two (2) feet by two (2) feet each, and that their installation would result in a minor increase in improved lot coverage from 62.4% to 62.6%; and

WHEREAS, the Board confirmed that the improved lot coverage calculation set forth above reflects conditions following the removal of previously existing materials referred to during the hearing; and

WHEREAS, the Applicants testified that they presently utilize window air-conditioning units at various locations around the residence, and that the proposed central air-conditioning system would consolidate the air-conditioning equipment into a single location; and

WHEREAS, the Applicants testified that the proposed units would be located along the side of the residence, with the Applicants' driveway separating the proposed units from the neighboring garage and residence, and that the distance from the end of the proposed units to the neighboring garage would be approximately nineteen (19) feet; and

WHEREAS, the Board discussed the proximity of the proposed units to an existing basement window and to the driveway, and the Applicants indicated that there is some flexibility in positioning the units within the proposed area; and

WHEREAS, the Board noted that, because the proposed equipment is to be located near a driveway, the Construction Department may require the installation of protective bollards to prevent a vehicle from entering or striking the units, and the Board clarified that any such requirement would be determined by the Construction Department; and

WHEREAS, the Chairman opened the hearing to members of the public for questions of the Applicants, and no member of the public came forward; and

WHEREAS, the Chairman opened the hearing to members of the public for statements concerning the Application, and no member of the public came forward; and

WHEREAS, the Board thereafter deliberated upon the Application; and

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, the Board, having considered the Application, the testimony and evidence presented, and the arguments of the Applicants, makes the following findings of fact and conclusions of law:

1. The Board has jurisdiction over this Application pursuant to N.J.S.A. 40:55D-70(c), and the Applicants satisfied the notice and publication requirements of N.J.S.A. 40:55D-11 and 40:55D-12.
2. The Property is an undersized lot of approximately 4,500 square feet situated in the R-50 Zone District, and the existing improved lot coverage of 62.4% is a pre-existing non-conforming condition that substantially exceeds the 40% maximum permitted by the Ordinance.
3. The exceptional narrowness and undersized dimensions of the Property, together with the pre-existing non-conforming improved lot coverage, constitute an exceptional situation affecting this specific piece of property within the meaning of N.J.S.A. 40:55D-70(c)(1).

Strict application of § 150-17.5 D.(4) would result in peculiar and exceptional practical difficulties to the Applicants, in that no location on the Property exists at which central air-conditioning equipment could be installed without exceeding the permitted improved lot coverage.

4. The Board further finds, in the alternative and independently, that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Ordinance requirement, and that the benefits of the deviation substantially outweigh any detriment, within the meaning of N.J.S.A. 40:55D-70(c)(2). The consolidation of air-conditioning equipment presently distributed among multiple window units at various locations around the residence into a single location on the driveway side of the Property promotes a desirable visual environment and improves the physical condition of the residence, while reducing the dispersal of equipment noise around the perimeter of the dwelling.
5. The proposed increase in improved lot coverage is de minimis. The two condenser units add eight (8) square feet of coverage, increasing improved lot coverage by two-tenths of one percent (0.2%), from 62.4% to 62.6%.
6. The proposed location of the units satisfies all applicable setback requirements of the Ordinance, and no setback variance is required.
7. The proposed location is logical and relatively unobtrusive. The Applicants' driveway and the neighboring garage provide meaningful separation between the proposed units and the neighboring dwelling, with an approximate distance of nineteen (19) feet from the end of the proposed units to the neighboring garage.
8. The proposed location permits the equipment to be maintained and accessed as necessary.
9. The relief requested can be granted without substantial detriment to the public good. The increase in coverage is minimal, the equipment is modest in size, adequate separation from the adjoining property exists, and the existing use of window air-conditioning units already produces equipment noise at multiple locations around the residence, which the proposed system will consolidate.
10. The relief requested can be granted without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Verona. The Property will remain a conforming single-family residential use, no change in the use or intensity of use of the Property is proposed, and the deviation from the improved lot coverage standard is negligible in relation to the pre-existing non-conforming condition.
11. The Applicants have accordingly sustained their burden of proof with respect to both the positive and the negative criteria, and the requested bulk variance relief is warranted.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Verona that Application No. 2026-15 of Nicholas Gaviria and Gianna Gaviria is hereby **GRANTED**, and the Applicants are granted bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) from § 150-17.5 D.(4) (maximum improved lot coverage) of the Code of the Township of Verona, to permit the installation of two (2) air-conditioning condenser units along the side of the existing residence on the Property, subject to the following conditions:

1. The improvements shall be constructed and installed in strict conformance with the plans submitted with the Application and the testimony presented to the Board at the hearing of July 9, 2026.
2. The two (2) condenser units shall be located along the side of the residence within the area depicted on the plans submitted with the Application, with the Applicants' driveway separating the units from the adjoining property. The Applicants may adjust the precise positioning of the units within that area to provide adequate clearance from the existing basement window and the driveway, provided that all applicable setback requirements of the Ordinance continue to be satisfied.
3. In no event shall the improved lot coverage on the Property exceed 62.6%, or 2,817.44 square feet.
4. In the event that the Construction Department of the Township of Verona requires the installation of protective bollards or other protective measures by reason of the proximity of the equipment to the driveway, the Applicants shall install the same as required.
5. The Applicants shall obtain all required construction permits and any other permits or approvals required by any governmental agency having jurisdiction over the Property, and shall comply with all applicable ordinances of the Township of Verona not otherwise varied herein.
6. The Applicants shall pay all applicable fees, escrows, and real estate taxes, and shall satisfy any outstanding obligations to the Township of Verona as a condition of the issuance of permits.

BE IT FURTHER RESOLVED that the within variance relief is granted only as to the specific relief set forth herein, and any further construction, installation, or improvement upon the Property that would increase improved lot coverage beyond the limit set forth above shall require further application to and approval by this Board.

VOTE OF JULY 9, 2026

On motion of Vice Chair Weston, seconded by Dr. Cuartas, the foregoing Application was approved at the Regular Meeting of the Board held on July 9, 2026; by the following roll call vote:

Board Member	AYE	NAY	ABSTAIN	RECUSED	ABSENT	NOT ELIGIBLE
Mr. Tully						X
Dr. Ries					X	
Dr. Cuartas	X					
Mrs. Murphy-Bradacs	X					
Mr. Mathewson	X					
Mr. Ryan	X					
Mrs. DiBartolo	X					
Vice Chair Weston	X					
Chairman McGinley	X					

MEMORIALIZATION

BE IT FURTHER RESOLVED that this Resolution constitutes the memorialization, pursuant to N.J.S.A. 40:55D-10(g), of the action taken by the Board on July 9, 2026, and was adopted at the Regular Meeting of the Zoning Board of Adjustment of the Township of Verona held on August 13, 2026, by the following vote of the members eligible to vote, being those members who voted in favor of the action on July 9, 2026:

Motion to adopt: Mr. Ryan Second: Mrs. DiBartolo

Board Member	AYE	NAY	ABSTAIN	RECUSED	ABSENT	NOT ELIGIBLE
Dr. Cuartas					X	
Mrs. Murphy-Bradacs					X	
Mr. Mathewson					X	
Mr. Ryan	✓					
Mrs. DiBartolo	✓					
Vice Chair Weston	✓					
Chairman McGinley					X	

CERTIFICATION

I, Dolores Carpinelli, Secretary of the Zoning Board of Adjustment of the Township of Verona, do hereby certify that the foregoing is a true and accurate copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of Verona at its Regular Meeting held on August 13, 2026, memorializing the action taken by the Board on July 9, 2026.

Dolores Carpinelli
Dolores Carpinelli, Secretary
Verona Zoning Board of Adjustment

Scott Weston
Scott Weston, Vice-Chairman
Verona Zoning Board of Adjustment

