

**RESOLUTION
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF LIVINGSTON
NEW JERSEY**

Application #: 2016-46-V
Decided: January 24, 2017
Memorialized: February 28, 2017

FINDINGS AND CONCLUSIONS

The Zoning Board of Adjustment of the Township of Livingston, having considered the Application and plans filed in this matter, and the testimony and evidence presented at the hearing on January 24, 2017, the following findings of fact and conclusions are made:

1. The Applicant is: Vijay Koppiseti.
2. The Property is commonly known as 21 Marisa Court and is taxed as Block 3901, Lot 106.16. The property is in the R-5E Zone (R-4 Zone regulations apply).
3. The Applicant has satisfied the statutory procedural requirements of service and publication of notice, and there are no taxes or assessments due or in arrears.
4. The Applicant proposes to construct a rear yard deck to an existing single family residence. Violations of the following Livingston Zoning Ordinances were noted:
 - (a) 170-99C(4) - Rear Yard Setback – 35’ required; 18’ proposed; 17’ variance requested;
 - (b) 170-99C(4)(b) - Deck Height – 3’ allowed; 8’ proposed; 5’ variance requested.
5. The following persons testified at the hearing: The Applicant.
6. The following persons objected to or expressed interest the application at the hearing: Steven Li of 13 Marisa Court.
7. The Applicant has satisfied the statutory requirements of N.J.S.A. 40:55D-70(c) (1) for the relief sought by demonstrating that the applicant has a hardship due to the steep slope of the Property. It was noted that the proposed deck is replacing an existing deck. The Board found that the lot can accommodate the proposed structure. The Board found that landscaping would lessen any detriment posed by the addition. Planting of trees (6-8 foot evergreens) was required as a condition for approving the application.

The Board found that by granting the variance there will be no substantial detriment resulting to the public good, nor will there be an impairment of the zoning plan or municipal zoning ordinance. Now, therefore, be it **RESOLVED** by the ZONING BOARD OF ADJUSTMENT of

the Township of Livingston that the application herein submitted is granted the following variances from the Ordinance:

- (a) A Rear Yard Setback variance of 17' is granted;
- (b) A Deck Height variance of 5' is granted.

The approval is subject to the condition(s) listed in Paragraph 7 above. This approval is subject to all other requirements of the Township ordinances, building code, and the right of appeal by any interested party. Also, as required by Livingston Ordinance 170-27(A), construction must be commenced within one year of the date hereof or the variance shall expire.

Copies of the Applicant's survey showing the proposed improvements and architectural plans are attached hereto as an exhibit to indicate the final version thereof.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on January 24, 2017 in which Board voted seven in favor and none opposed to deny the application on the record.

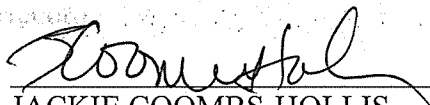
CHAIRMAN:



JAMES HOCHBERG

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Livingston on January 24, 2017 by the affirmative votes of Mr. Hochberg, Ms. Tabak Fass, Mr. Bier, Ms. Hwang, Mr. Vieira, Ms. Khanna and Mr. Nardone; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.