

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

Case #2016-58-V

Motion to approve by: **Mr. Nardone**

Second to approve by: **Mr. Resnick**

FINDINGS AND CONCLUSIONS

The Zoning Board of Adjustment of the Township of Livingston, having considered and reviewed the Application and the architectural renderings of Peterson Associates Architecture, Planning & Design, dated November 8, 2016, and the testimony and evidence presented at the hearing on April 25, 2017, the following findings of fact and conclusions are made:

1. The Applicant is He Huang.
2. The property is commonly known as 11 Montgomery Road, Livingston, New Jersey and is taxed as Block 2905, Lot 48. The property is in the R-3 Zone.
3. The Applicant has satisfied the statutory criteria and 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 first floor addition to an existing single family residence.
5. The Application would violate Township Ordinance Sections:
 - A: Ordinance Section 170-98C(2), front yard setback of 50 feet is required, 35 feet is proposed, resulting in a 15 foot variance request;
 - B: Ordinance Section 170-87L(2)(c), side street corner lot setback of 25 feet is required, 16.81 feet is proposed, resulting in a 8.19 foot variance request;
 - C: Ordinance Section 170-87CC(3), habitable floor area ratio 21% is allowed, 27.1% is proposed, resulting in a 6.1% variance request.
6. Testifying on behalf of the Applicant was Margaret Petersen, admitted as an expert in architecture.
7. The testimony presented to the Board indicated that the premises in question is a narrow and undersized lot which creates a hardship for the addition of any expansion of the residence. The Applicant proposed to add two separate additions to an existing single family residence. During the course of the hearing the Applicant proposed an amendment to the Application to correct an error in the calculations of the front yard setback. The correct front yard setback is 36.23 feet, resulting in a variance request of 13.77 feet.
8. No members of the public appeared to object to the Application or ask questions of the Applicants.

9. The Applicant has satisfied the statutory criteria of N.J.S.A. 40:55D-70(c)(1) for the relief sought by demonstrating that the residence will fit within the streetscape and the property can accommodate the proposed additions. The Applicant has presented proof that the subject property is shallow and undersized in shape and that the structure, even with the addition, would be permitted in the R-3 Zone, if the lot were not undersized and shallow. Based upon the above findings there will be no detriment to the public good nor will there be any impairment to the Zone Plan or Zoning Ordinance, and the benefits of granting the variances will outweigh any detriment.

NOW THEREFORE, be it RESOLVED by the Zoning Board of Adjustment of the Township of Livingston that the Application herein submitted is granted and approved for the reasons stated herein and subject to the following variances:

A: A front yard setback variance of 13.77 feet from the requirements of Township Ordinance Section 170-98C(2) is granted;

B: A variance of 8.19 feet from the side street corner lot setback requirements of Township Ordinance Section 170-87L(2)(c) is granted;

C: A variance of 6.1% habitable floor area ratio is granted from the requirements of Township Ordinance Section 170-87CC(3).

This approval is subject to all other requirements of the Township Ordinances, building codes, and the right of appeal by any interested party. As required by Livingston Ordinance 170-27(A) construction must be commenced within one (1) year of the date hereof or the variances shall expire.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on April 25, 2017 in which the Board voted to approve the Application unanimously in accordance with and subject to the terms and conditions set forth herein and on the record.

CHAIRMAN:



JAMES HOCHBERG

Dated: 5/23/17

Prepared by: Richard W. Vallario, Esq.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS