

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

Case #2017-2-V

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

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

FINDINGS AND CONCLUSIONS

The Zoning Board of Adjustment of the Township of Livingston, having considered and reviewed the Application and the architectural renderings of Scott Monro, of GSM Architectural Services, dated August 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 Hongfei Tang.
2. The property is commonly known as 28 Tower Road, Livingston, New Jersey and is taxed as Block 6001, Lot 38. The property is in the R-2 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 an addition to an existing single family residence.
5. If approved, the Application would violate the Township Ordinance Sections:

A: Ordinance Section 170-97C(2) requires a 60 foot front yard setback, whereas 45.8 feet is proposed, resulting in a variance request of 14.2 feet;

B: Ordinance Section 170-97C(4) requires a 50 foot rear yard setback, whereas 21.2 feet is proposed, resulting in a variance request of 28.8 feet;

C: Ordinance Section 170-87BB(2) habitable floor area ration of 18% allowed, whereas 31.5% is proposed, resulting in a 13.5% variance request.

6. Testifying on behalf of the Applicant was Scott Monro, admitted as an expert in architecture.
7. The Applicant witness testified that the subject premises is narrow and undersized, both in width and depth which creates a hardship in any addition being constructed. The witness testified that his review of the immediate neighborhood was that the majority of lots were undersized and more closely resemble an R-4 Zone. The rear of the Applicant property backs up to a commercial zone and would not have any impact on any residential properties. The lot is 115 feet in depth, whereas 200 feet is required in the R-2 Zone. The Application would not require the requested variances if the lot was a conforming size. The front yard setback is pre-existing and will not be enlarged.

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. The Applicant has presented proof that the subject property presents a hardship for any additions because of the undersized and shallow lot. 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 potential 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 14.2 feet from the requirements of Township Ordinance Section 170-97C(2) is granted;

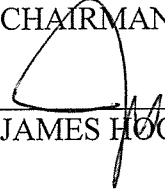
B: A rear yard setback variance of 28.8 feet from the requirements of Township Ordinance Section 170-97C(4) is granted;

C: A variance of 13.5% habitable floor area ratio is granted from the requirements of Township Ordinance Section 170-87BB(2).

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