

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

Motion: Mr. Hochberg  
Second: Ms. Fass

Application #: 2017-35-V  
Decided: July 25, 2017  
Memorialized: August 29, 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 July 25, 2017, the following findings of fact and conclusions are made:

1. The Applicant is: Leke Gjoni.
2. The Property is commonly known as 8 Tower Road, and is taxed as Block 6001, Lot 28. The property is in the R-2 Zone.
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 second-floor addition on an existing single-family residence. Violation of the following Livingston Zoning Ordinances were noted:
  - (a) 170-97C (2) - Front Yard Setback - 60 feet required; 46.06 feet proposed; a 13.94-foot variance requested.
  - (b) 170-97(C)4 - Rear Yard Setback - 50 feet required; 30.2 feet proposed; a 19.8-foot variance is requested.
  - (c) 170 87CC (2) Habitable Floor Ratio - 19% permitted; 28.3% proposed; a 9.3% variance is requested.
  - (d) Accessory Structure Side Yard Setback - 5 feet required; 1.44 feet proposed; a 3.56-foot variance is requested;
  - (e) Accessory Structure Rear Yard Setback - 10 feet required; 8.69 feet proposed; a 1.31-foot variance is requested.
5. The following persons testified at the hearing: The Applicant; the Applicant's architect, Julianne Sierre.
6. The following persons objected to, or expressed interest in the application at the hearing: None.
7. It was noted that the footprint of the house on the property will not change. It was also noted that if the lot were standard size, no habitable floor ratio variance would be needed. The Board found that the lot can accommodate the proposed structure.

8. The Board found that 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 an undersized lot. The Board found that Applicant satisfied the statutory requirements of N.J.S.A. 40:55D-70(c) (2) for the relief sought by demonstrating that the proposed addition would improve the neighborhood, and that the benefits of the addition outweighed any detriment.

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 Front Yard Setback variance of 13.94 feet is granted;
- (b) A Rear Yard Setback variance of 19.8 feet is granted;
- (c) A Habitable Floor Ratio variance of 9.3% is granted.

**Conditions of Approval**


- (a) The Accessory Structure (shed) will be removed from the property.

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.

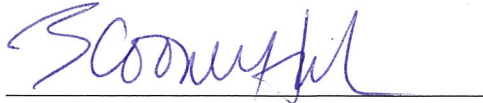
This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on July 25, 2017 in which Board voted seven in favor and none opposed to approve the application on the record.

CHAIRMAN:

  
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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 July 25, 2017 by the affirmative votes of Mr. Hochberg, Mr. Nardone, Mr. Resnick, Mr. Vieira, Ms. Hwang, Ms. Tabak-Fass, Ms. Khanna, they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.