

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

Application #: 2017-56-V
Decided: November 28, 2017
Memorialized: December 12, 2017

Motion: Ms. Tabak-Fass
Second: Mr. Nardone

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 November 28, 2017, the following findings of fact and conclusions are made:

1. The Applicant is: Huan Dong.
2. The Property is commonly known as 46 Fellswood Drive is taxed as Block 2006, Lot 13. The property is in the R-4 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 a second story addition and a front portico for an existing single-family residence. Violations of the following Livingston Zoning Ordinances were noted:
 - (a) Section 170-99C (2) - Front Yard Setback - 40 feet required, 35.4 feet proposed; a 4.6-foot variance requested.
 - (b) Section 170-99C (3) Side Yard Setback - 10 feet required; (left side) 9.4 feet proposed; 10 feet required (right side); 7.3 feet proposed; a 2.7-foot variance is requested.
 - (c) Section 170-99C (3) Side Yard Aggregate Setback - 21 feet required; 17 feet proposed; a 4-foot variance is requested.
 - (d) Section 170-87CC (4) - Habitable Floor Ratio - 30% allowed; 31.48% proposed; a 1.48% variance is requested.
5. The following persons testified at the hearings: The Applicant; The Applicant's architect, Margaret Petersen, AIA. The Board heard testimony, and considered the plans submitted in conjunction with the application.
6. The following persons objected to, or expressed interest in, the application at the hearings: None.
7. The Board found that the Applicant 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 a narrow, shallow, undersized lot. The FAR variance of 1.48% was deemed de minimis by the Board. The Board found that the lot can accommodate the proposed structure, and that

the proposed structure will fit in with the neighborhood. The Board found that by granting the variances 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.

8. 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 4.6 feet is granted;
- (b) Side Yard Setback Variance of .6 feet is approved for the left side setback, and a 2.7-foot variance is approved for the right-side setback;
- (c) A Side Yard Aggregate variance of 4 feet is granted; and
- (d) A Habitable Floor Area Ratio variance of 1.48% is granted.

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 November 28, 2017 in which Board voted seven in favor and none opposed to approve the application.

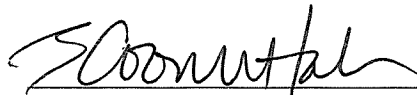
CHAIRMAN:



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 December 12, 2017 by the affirmative votes of Mr. Hochberg, Mr. Bier, Ms. Tabak-Fass, Ms. Hwang; Mr. Dunec, Mr. Vieira and Mr. Nardone, the above constituting all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.