

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

Case # 2013-51-V

Motion by: Mr. Antony Nardone

Second by: Mr. Ajay Shah

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 December 10, 2013, the following findings of fact and conclusions are made:

1. The applicant is Jeffrey and Joanna Lander.
2. The property is commonly known as 40 West Drive and is taxed as Block 5201, Lot 3. The property is in the R-3 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 an attached garage one story addition to a single-family residence and remove an existing unattached garage.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-98C4 Rear Yard Setback – 40' required, 34.2' proposed; 5.8' variance requested
 - (b) Section 170-98BB3 Habitable Floor Area – 3,520 SF allowed, 3,748 SF proposed; 228 SF variance requested
6. The following persons testified at the hearing: The applicant and Danial Dubinett, AIA.
7. The following persons objected to or expressed interest the application at the hearing: none.
8. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) and (c)(2) for the relief sought by demonstrating that there is a hardship due to the shallowness of the lot. The Board also found that the unattached garage proposed to be removed is closer to the rear yard line than the new attached garage will be and constitutes a positive basis for this variance. Also the applicant's rear yard line is the side yard line of the adjacent neighbor and the distance is greater than the side yard setback in this zone. This lot is much larger than a standard R-3 lot thereby justifying further the additional square feet above the maximum in the zone.

Based upon the above findings, there will be no 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:

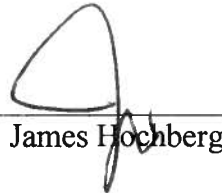
A Rear Yard Setback variance of five and eight tenths feet (5.8'), and
A Habitable Floor Area variance of 228 square feet are granted.

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.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on December 10, 2013 in which Board voted to seven in favor and none opposed to approve the application in accordance with and subject to the conditions and terms set forth herein on the record. Mr. Ozarow recused himself from this matter as he resides within 200 feet of the applicant.

CHAIRMAN:



James Hochberg

Dated: January 28, 2014

Prepared by: HERBERT S. FORD, ESQ.