

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

Case #ZB-2014-2-V

Motion to approve by: Robert Gillman
Second to approve by: Anthony Nardone

Re: Application No. 2014-2-V
Applicant: Jonathan and Kimberly Gern
Premises: 10 Cambridge Road
Livingston, New Jersey
Block 4506, Lot 22
Zone: R-4

FINDINGS AND CONCLUSIONS

The Zoning Board of Adjustment of the Township of Livingston, having considered and heard this Application on February 25, 2014, makes the following findings of fact and conclusions:

1. The Applicants are Jonathan and Kimberly Gern, who are the owners of the subject property on which there is an existing one family home. The Applicant proposes to construct a second level and add a garage to the existing building.
2. The Applicant has satisfied the statutory requirements of service and publication of notice, and there are no taxes or assessments due or in arrearages. Amos Gern, Esq. from the law firm of Starr, Gern, Davison & Rubin, appeared on behalf of the applicant.
3. The subject premises are irregular in shape and is substantially more narrow towards the rear of the property. There is an existing one and a half (1 ½) story frame dwelling with a single car garage. The Plans submitted by the Applicant, as prepared by James P. Cutillo Associates, under date of December 5, 2012, show a proposed second level addition and expansion of the existing garage to a two car garage which would result in a home measuring 2,971 square feet. It would result in the following violations of the Livingston Zoning Ordinance:

A: Section 170-99C(3): 10-Foot side yard setback required, 9.15 proposed; a variance of .85 feet is requested.

B: Section 170-99C(3): Side yard aggregate setback of 25.5 feet required, 24.51 proposed; a variance of .99 feet is requested.

C: Section 170-87CC(4): Habitable floor ratio of 30% is maximum permitted, 31.84% proposed; a variance of 1.84% is requested.

4. The following persons testified at the hearing in support of the Application:

Jonathan Gern

5. The following persons appeared to object or state an opinion as to the Application at the hearing: NONE

6. The Applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70(c)(1) for the relief sought by demonstrating that undue or exceptional hardship would be imposed upon the Applicant by a denial because of the irregular shape of the lot, by the esthetic improvement to result from the overall improvement of the Site.

7. The Applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70(d)(4) for the relief sought by demonstrating that the residence will fit within the streetscape and that the property can accommodate the residence. The residence is already a permitted use at this location and under Coventry Square the Board granted the D(4) use variance.

The Board finds that there would be no detriment to the public good, nor will there be an impairment of the intent and purpose of the Zone Plan or Zoning Ordinance and that the benefits resulting from the grant of the variance would 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 subject to the following variances from the Ordinance:

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 subject to the following variances from the Ordinance:

1: Side yard setback variance of .85 feet is hereby granted from the requirements of Township Ordinance Section 170-99C(3):

2: An aggregate side yard setback variance of .99 feet is hereby granted from the provisions of Township Ordinance Section 170-99C(3):

3: Habitable floor ratio variance of 1.84% is hereby granted from the requirements of Township Ordinance Section 170-87CC(4).

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

Copies of the architectural plans and a survey submitted by the Applicant dated October 17, 2013 are hereby attached as exhibits.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on February 25, 2014 in which Board Members voted 7 to 0 to approve the Application subject to the terms and conditions set forth herein and on the record.

CHAIRMAN:



JAMES HOCHBERG

Dated:
Prepared by: Richard W. Vallario, Esq.

