

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

Case # 2014-16 -V

Motion by: Mr. Anthony Nardone

Second by: Mr. Christopher Bardi

**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 March 25, 2014, the following findings of fact and conclusions are made:

1. The applicant is Jason Binh Duong.
2. The property is commonly known as 31 Montgomery Road and is taxed as Block 3001, Lot 18. 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 addition to a single-family residence.
5. Violations of Livingston Zoning Ordinances:
  - (a) Section 170-98C(2) Front Yard Setback – 50’ required, 35.2’ proposed; 14.8’ variance requested;
  - (b) Section 170-98C(3) Side Yard Setback – 10’ required, 8.67’ proposed; 1.33’ variance requested;
  - (c) Section 170-98C(3) Side Yard Setback – 10’ required, 8.74’ proposed; 1.26’ variance requested;
  - (d) Section 170-98C(3) Side Yard Aggregate Setback – 18’ required, 17.41’ proposed; 0.59’ variance requested;
  - (e) Section 170-87CC(3) Habitable Floor Ratio – 21% allowed, 28.27% proposed; 7.27% variance requested; and
  - (f) Section 170-3 Garage Size – Minimum Interior Garage Size of 12’ x 20’ required; 9.25’ x 19.75’ proposed; 2.75’ x .25’ variance requested.
6. The following persons testified at the hearing: The applicant and Gerald Novak 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) for the relief sought by demonstrating that there is a hardship due to the narrowness and undersized nature of the lot. 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.

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:

- Front Yard Setback Variance of fourteen and eight tenths feet (14.8');
- Side Yard Setback Variances of one and thirty-three one hundredths feet (1.33') and one and twenty-six one hundredths feet (1.26');
- Aggregate Side Yard Setback Variance of fifty-nine one hundredths feet (0.59');
- A Minimum Garage Size Variance of 2.75' by 0.25'; and
- Habitable Floor Ratio Variance of seven and twenty-seven one hundredths percent (7.27%) 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 March 25, 2014 in which Board voted to five 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.

CHAIRMAN:

  
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JAMES HOCHBERG

Dated: April 29, 2014

Prepared by: Herbert S. Ford, Esq.