

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

Case # 2014-37-V

Motion by: Mr. Jack Gilman

Second by: Mr. Anthony 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 May 27, 2014, the following findings of fact and conclusions are made:

1. The applicant is Yuri Elson.
2. The property is commonly known as 80 West Northfield Road and is taxed as Block 4701, Lot 61. 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 to construct a new single-family residence on the lot.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-87BB(4) Habitable Floor Area – 3220 square feet allowed, 3945.5 square feet proposed; 726.5 square feet variance requested.
 - (b) 170-87D No lot shall have more than one principal buildings. Variance requested so that existing house can remain while new house constructed, and then be demolished.
6. The following persons testified at the hearing: the applicant.
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)(2) for the relief sought by demonstrating that the proposed addition and other changes to the residence was a better planning and zoning result than compliance with the Ordinance as the new residence will be further from Northfield Road. The Board also granted the second variance with respect to two principal residences on the condition that the new residence shall not be issued any Certificate of Occupancy (temporary or final) until the old residence is completely demolished and the debris removed from the lot.

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 with the following variances from the Ordinance:

A Habitable Floor Area variance of 726.5 square feet; and
A variance that permits during construction of the new residence the existing residence to remain on the lot are granted.

The Board imposed the condition with respect to the second variance as set forth above.

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 May 27, 2014 in which Board voted all in favor to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:



JAMES HOCHBERG

Dated: June 24, 2014

Prepared by: HERBERT S. FORD, ESQ.