

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

Case # 2014-72-V

Motion by: Mr. Jack Gillman

Second by: Mr. Michael Vieira

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 11, 2014, the following findings of fact and conclusions are made:

1. The applicant is Charlene Miles.
2. The property is commonly known as 236 Hillside Avenue and is taxed as Block 5500, Lot 28. 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, 35.5’ proposed; 14.5’ variance requested;
 - (b) Section 170-98C(4) Rear Yard Setback - 40’ required, 21’ proposed; 19’ variance requested
 - (c) Section 170-98C(3) Side Yard Setback - 10’ required, 6.26’ proposed; 3.74’ variance requested;
 - (d) Section 170-98C(3) Side Yard Setback - 10’ required, 1.85’ proposed; 8.15’ variance requested;
 - (e) Section 170-98C(3) Aggregate Side Yard Setback – 19.5’ required, 8.11’ proposed; 11.39’ variance requested and
 - (f) Section 170-87CC3 Habitable Floor Ratio – 21% allowed, 42.64% proposed; 21.64% variance requested.
6. The following persons testified at the hearing: Charles Miles and Robert G. Emert, 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 narrow, shallow and non-conforming 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 addition to 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 noted that the side and rear of the property were "green acres" parcels owned by the Township that would never be developed so there were no neighbors concerned about this matter.

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:

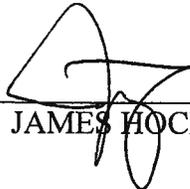
- A Front Yard Setback variance of fourteen and five tenths feet (14.5') for the house;
- A Rear Yard Setback variance of nineteen feet (19');
- A Side Yard Setback variance of eight and fifteen one hundredths feet (8.15');
- A Side Yard Setback variance of three and seventy-four one hundredths feet (3.74');
- An Aggregate Side Yard Setback variance of eleven and thirty nine one hundredths feet (11.39'); and
- A Habitable Floor Ratio variance of twenty one and forty six one hundredths percent (21.46%) 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 November 11, 2014 in which Board voted to six 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:



JAMES HOCHBERG

Dated: December 9, 2014
Prepared by: Herbert S. Ford, Esq.