

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

Case # 2014-25-V

Motion by: Mr. Christopher Bardi

Second by: Mr. Jared Resnick

**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 April 29, 2014, the following findings of fact and conclusions are made:

1. The applicant is 13 Putting Green LLC.
2. The property is commonly known as 82 Elmwood Drive and is taxed as Block 1603, Lot 34. 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 was represented by Frederick Roughgarden, Esq.
5. The applicant proposes to construct a two story addition to a single-family residence.
6. Violations of Livingston Zoning Ordinances:
  - (a) Section 170-99C(2) Front Yard Setback – 40' required, 37' 9" proposed; 2'3" variance requested;
  - (b) Section 170-99C(3) Side Yard Setback – 10' required, 7.7' proposed; 2.3' variance requested;
  - (c) Section 170-99C(4) Rear Yard Setback – 35' required, 29'7" proposed; 5.3' variance requested;
  - (d) Section 170-87BB4 Habitable Floor Area – 3,220 SF allowed, 3,381 SF proposed; 161 SF variance requested; and
  - (e) Section 170-87CC4 Habitable Floor Ratio – 30% allowed, 39% proposed; 9% variance requested.
7. The following persons testified at the hearing: Frank Mariconda, a contractor.
8. The following persons objected to or expressed interest the application at the hearing: none.

9. 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, unusually shaped and undersized 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:

- A Front Yard Setback variance of two feet three inches (2' 3");
- A Side Yard Setback variance of two and three tenths feet (2.3');
- A Rear Yard Setback variance of five and three tenths feet (5.3');
- A Habitable Floor Area variance of one hundred sixty one feet (161'); and
- A Habitable Floor Ratio variance of nine percent (9%) 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 April 29, 2014 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.

CHAIRMAN:

  
\_\_\_\_\_  
JAMES HOCHBERG

Dated: May 27, 2014

Prepared by: Herbert S. Ford, Esq.