

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

Case # 2014-88-V

Motion by: Mr. Vieira

Second by: Mr. Hochberg

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 January 27, 2015, the following findings of fact and conclusions are made:

1. The applicant is Mr. & Mrs. Chernavsky.
2. The property is commonly known as 104 Falcon Road and is taxed as Block 3203, Lot 44. 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, 47’ proposed; 3’ variance requested
 - (b) Section 170-98C(3) Side Yard Setback – 10’ required, 7’ proposed; 3’ variance requested
 - (c) Section 170-3 Private Garages Minimum Size – 12’ width required, 10’ width proposed, 2’ variance requested
6. The following persons testified at the hearing: The Applicant and Christine Miseo, 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)(2) for the relief sought as the resulting changes were a better zoning result than strictly enforcing the ordinance as this permitted the applicant to provide for the health, privacy and welfare of family members consistent with neighboring properties.

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 three feet (3');
- A Side Yard setback variance of three feet (3'); and
- A Private Garage minimum width variance of two feet (2') 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 January 27, 2015 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: February 24, 2015

Prepared by: Herbert S. Ford, Esq.