

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

Case # 2015-14-V

Motion by: Mr. Gillman

Second by: Ms. Fass

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 28, 2015, the following findings of fact and conclusions are made:

1. The applicant is Mr. & Mrs. James Bonardi.
2. The property is commonly known as 7 Village Drive and is taxed as Block 4707, Lot 14. 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 change the construct a new single-family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-99C(2) Front Yard Setback – 40' required, 30.11' proposed, 9.89' variance requested;
 - (b) Section 170-99C(3) Side Yard Setback – 10' required, 4.58' proposed, 5.42' variance requested;
 - (c) Section 170-99C(3) Side Yard Aggregate Setback – 22.8' required, 22.25' proposed, 0.55' variance requested;
 - (d) Section 170-99C(4) Rear Yard Setback – 35' required, 4.16' proposed, 30.84' variance requested;
 - (e) Section 170-87CC(4) Habitable Floor Ratio – 30% allowed, 41.31% proposed; 11.91% variance requested.
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)(1) for the relief sought by demonstrating that the lot was undersized and non-conforming. 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 proposed 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.

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 nine and eighty nine one hundredths feet (9.89');
- A Rear Yard Setback Variance of thirty and eight four one hundredths feet (30.84');
- A Side Yard Setback Variance of five and forty two one hundredths feet (5.42');
- An Aggregate Side Yard Setback Variance of fifty five one hundredths feet (0.55'); and
- A Habitable Floor Ratio variance of eleven and ninety-one one hundredths percent (11.91%) 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 28, 2015 in which Board voted 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 26, 2015

Prepared by: Herbert S. Ford, Esq.