

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

Application #: 2015-54-V
Decided: November 10, 2015
Memorialized: December 8, 2015

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 10, 2015 the following findings of fact and conclusions are made:

1. The Applicant is Daniel Kadouri & Rona Harmelin Kadouri.
2. The property is commonly known as 83 Springbrook Road and is taxed as Block 3401, Lot 24. 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, 30.7' proposed; 19.3' variance requested;
 - (b) Section 170-87CC(3) Habitable Floor Ratio – 21% allowed, 22.54% proposed; 1.5% variance requested;
6. The following persons testified at the hearing: The applicants, Daniel Kadouri & Rona Harmelin Kadouri.
7. The following persons objected to or expressed interest in 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 pre-existing location of the house on the lot. The Board found that the front yard setback of 40.7' was a pre-existing nonconforming condition. The additional setback requested by the Applicant is for a vestibule. 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 Board found that granting the proposed variances will not result in any substantial detriment to the public good, nor will there be any 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 nineteen and three-tenths feet (19.3') is granted;
A Habitable Floor Ratio variance of one and five-tenths percent (1.5%) is 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.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on November 10, 2015 in which Board voted 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

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Livingston on November 10, 2015 by the affirmative votes of Mr. Gillman, Mr. Bier, Ms. Hwang, Mr. Nardone, Mr. Resnick and Ms. Tabak Fass; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.