

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

Case #2015-20-V

Motion to approve by: Mr. Gillman

Second to approve by: Mr. Nardone

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 hearings on May 26, 2015 and June 23, 2015, the following findings of fact and conclusions are made:

1. The Applicant is Sriyakanthie Fernandopulle.
2. The property is commonly known as 18 Irving Avenue, Livingston, New Jersey and is taxed as Block 4304, Lot 13. The property is in the R-4 Zone.
3. The Applicant has satisfied the statutory criteria and procedural requirements of service and publication of notice, and there are no taxes or assessments due or in arrears.
4. The Applicant proposed to construct an addition to an existing single family home. During the course of the hearing the Applicant amended the Application to relocate a stairway on the property.
5. The proposed Application as amended would violate the following provisions of the Livingston Zoning Ordinances:
 - (a) Section 170-87CC(3) Habitable Floor Area Ratio – 30% allowed, 33.03% proposed; 3.03% variance requested.
 - (b) Section 170-87E(b) Distance between structures – 10 Feet required, 4 feet 5.5 inches proposed; 5 foot 6.5 inch variance is requested.
 - (c) Section 170-87E(1)(d)(4) Accessory structure setback – 5 Feet required, 3.3 feet proposed; 1.7 foot variance is requested.
6. Testifying at the hearing was the Applicant, Sriyakanthie Fernandopulle.
7. No persons appeared to testify either in support of or in objection to the Application.

8. The Applicant has satisfied the statutory criteria of N.J.S.A. 40:55D-70(d)(4) for the relief sought by presenting evidence that the lot is narrow, shallow and undersized for the zone. The position of the addition is above an existing structure and is modest in size. When completed the house will measure approximately 1,751 square feet which is not out of character for the neighborhood. There would be no substantial detriment to the public good or to the Zone Plan or Zoning Ordinance.

The setback variances can be granted pursuant to N.J.S.A. 40:55D-70(c)(1) due to the undersized, narrow and shallow lot shape and will not have any negative impact on the neighborhood or the public good. The Applicant relocated the stairway to provide a greater distance between structures as suggested by the Board. The variance can be granted without any negative impact to the Zone Plan or Zoning Ordinance or to the public good. The benefits of the variance will outweigh any detriment.

NOW THEREFORE, be it RESOLVED by the Zoning Board of Adjustment of the Township of Livingston that the Application herein submitted as amended is granted and approved subject to the following variances from the Ordinance:

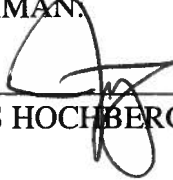
- a): Habitable Floor Area Ratio variance of 3.03% is granted from the provisions of Code Section 170-87CC(3);
- b) Setback variance for distance between structures of 6 feet 6 inches is granted from the provisions of Code Section 170-87E(b);
- c) Accessory structure setback variance of 1.7 feet is granted from the provisions of Code Section 170-87E(1)(d)(4)

This approval is subject to all other requirements of the Township Ordinances, building codes, and the right of appeal by any interested party. As required by Livingston Ordinance 170-27(A) construction must be commenced within one (1) year of the date hereof or the variances shall expire.

Copies of the Applicant's survey showing the proposed improvements and architectural plans are attached hereto as an exhibit indicating the final version thereof.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on June 23, 2015 in which the Board voted unanimously to approve the Application in accordance with and subject to the terms and conditions set forth herein and on the record.

CHAIRMAN



JAMES HOCHBERG

Dated: July 28, 2015

Prepared by: Richard W. Vallario, Esq.