

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

Case #2015-31-V
Motion to approve by: Mr. Hochberg
Second to approve by: Mr. Vieira

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

1. The Applicant is **HYSEN LLAVESHI**.
2. The property is commonly known as **6 Wardell Road**, Livingston, New Jersey and is taxed as Block 2700, Lot 2. The property is in the R-3 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 proposes to construct a garage addition to an existing single family home.
5. The proposed Application would violate the following provisions of the Livingston Zoning Ordinances:
 - (a) Section 170-98C(2) Front Yard setback – 50 feet required, 29.66 ft proposed; 20.34 foot variance requested
 - (b) Section 170-98C(4) Rear Yard setback – 40 feet required, 13.96 ft proposed; 26.04 foot variance requested.
6. Testifying on behalf of the Applicant at the hearing were Hysen Llaveshi & Erjon Llaveshi.
7. No members of the public appeared either in support of or opposition to the application.
8. The Applicant has satisfied the statutory criteria of N.J.S.A. 40:55D-70c(1) for the relief sought by demonstrating that the property is an irregular L-shaped lot, the existing residence has a pre-existing non-conforming violation of the front and rear yard setback requirements. The proposed addition will not increase either encroachment. The Applicant has presented proof that the subject property presents a hardship for any addition because of the shallow depth of the side of the lot which can accommodate the garage addition. The Board determined that the

front yard and rear variances can be granted under N.J.S.A. 40:55D-70(c)(1) because of the non conforming location of the existing home, and the unusual shape and shallowness of the lot. Approval of the application will not have a negative impact on the neighborhood, and will be an aesthetic enhancement. . Based upon the above findings there would be no detriment to the public good nor will there be an impairment of the Zone Plan or Zoning Ordinance and the benefits of the variance will outweigh any potential detriment.

9. Based upon the above findings there would be no detriment to the public good nor will there be an impairment of the Zone Plan or Zoning Ordinance and the benefits of the variance will outweigh any potential detriment.

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

- a) The front yard setback variance of 20.34 feet from the provisions of Code Section 170-98C(2) is granted to permit construction of the proposed garage addition to the existing single family home as shown on the plans submitted.
- b) The rear yard setback variance of 26.04 feet from the provisions of Code Section 170-98C(4) is granted to permit construction of the proposed garage addition to the existing single family home as shown on the plans submitted..

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.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on July 28, 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: August 25, 2015

Prepared by: Richard W. Vallario, Esq.