

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

Case #2015-34-V

Motion to approve by: Ms. Tabak Fass

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 **DAS PROPERTIES 1, LLC**.
2. The property is commonly known as **9 Sycamore Terrace**, Livingston, New Jersey and is taxed as Block 2901, Lot 10. 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 was represented by Fausto Simone, Esq.
5. The Applicant proposes to add a new porch and a second story addition to a single family residence.
6. The proposed Application would violate the following provisions of the Livingston Zoning Ordinances:
 - (a) Section 170-98C(2) Front Yard Setback – 50 feet required, 16.5 feet proposed; 33.5 foot variance requested.
7. Testifying on behalf of the Applicant at the hearing was Daniel A Roma admitted as an expert in architecture who designed the Plans for the subject Application.
8. No members of the public appeared either in support or or opposition to the application.
9. The Applicant has satisfied the statutory criteria of N.J.S.A. 40:55D-70c(1) for the relief sought by demonstrating that the existing residence has a pre-existing non-conforming violation of the front yard setback requirements. The proposed addition will not increase the encroachment. The Applicant has presented proof that the subject property presents a hardship for any addition because of te location of the house within the front yard setback. The Board determined that the

front yard variance can be granted under N.J.S.A. 40:55D-70(c)(1) because of the unusual location of the existing home, and the additions proposed by the application will not further increase the front yard setbacks violation. 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 33.5 ft from the provisions of Code Section 170-98C(6) is granted.

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.