

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

Case #2015-39-V
Motion to approve by: Mr. Gilman
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 hearing on July 28, 2015, the following findings of fact and conclusions are made:

1. The Applicants are **GARY & BETH KLEIMAN**.
2. The property is commonly known as **14 Tuxedo Drive**, Livingston, New Jersey and is taxed as Block 1905, Lot 6. The property is in the R-3 Zone.
3. The Applicants have 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 add to construct a second story addition above the garage of an existing single family residence.
5. The proposed Application would violate the following provisions of the Livingston Zoning Ordinances:
 - (a) Section 170-87L(c) Corner Lot Front Yard Setback – 40 Feet required, 26.1 feet proposed; 13.9 Foot variance requested.
6. Testifying on behalf of the Applicants was David Dubinett, admitted as an expert in architecture, and who designed the plans for the proposed construction.
7. No members of the public appeared either in support or opposition to the application.
8. The Applicant has satisfied the statutory criteria of N.J.S.A. 40:55D-70c(2) 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 and will not be as high as the existing structure. The Board determined that the front yard variance can be granted because of the non conforming location of the existing home, and the addition will be within the footprint of the existing structure, and will be lower in height. 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.

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 corner lot front yard setback variance of 13.9 ft from the provisions of Code Section 170-87L(c) 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.