

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

Case # 2012-10-V

Motion by: Mr. Klein

Second by: Mr. Hochberg

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 April 24, 2012, the following findings of fact and conclusions are made:

1. The applicant is Theodore K. Panek.
2. The property is commonly known as 19 Virginia Avenue and is taxed as Block 3807 Lot 20. The property is in the R-4 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 arrearages.
4. The applicant proposes to construct a new single family residence on the property.
5. Violation of Livingston Zoning Ordinance
 - (a) Section 170-99C(2) Front Yard Setback (40' required, 30' proposed; 10' variance requested)
 - (b) Section 170-99C(3) Side Yard Setback (10' required, 8' proposed; 2' variance requested)
 - (c) Section 170-87CC4 Habitable Floor Ratio (30% allowed, 35.49% proposed; 5.49% variance requested)
6. The applicant was represented by Sidney Shaievitz, Esq.
7. The following persons testified at the hearing: The applicant and Robert G. Emert, AIA.
8. The following persons objected to or expressed interest in the application at the hearing: None
9. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) for the relief sought by demonstrating that an undue or exceptional hardship would be imposed upon the applicant by a denial due the narrowness of the lot and the proposed house would be closer to the street than the existing structure. 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 residence is already a permitted use at this location and under Coventry Square the Board granted the D(4) ratio use variance.

Based upon the above findings, there will be no detriment resulting to the public good, nor will there be an 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 variance from the Ordinance:

Front Yard Setback variance of ten feet (10');
Side Yard Setback variance of two feet (2'); and
Habitable Floor Ratio variance of 5.49%.

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. All other permits required by the Ordinances must be obtained before a building permit will be issued.

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.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on April 24, 2012 in which Board voted to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:



ALAN OZAROW

Dated: May 22, 2012

Prepared by: Herbert S. Ford, Esq.