

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

Case # 2012-31-V

Motion by: Mr. Hochberg

Second by: Mr. Gilman

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

1. The applicant is David and Julie Potischman.
2. The property is commonly known as 26 Byron Place and is taxed as Block 4902, Lot 15. 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 arrears.
4. The applicant proposes to construct an addition to a single-family residence.
5. Violation of Livingston Zoning Ordinance
 - (a) Section 170-99C(2) Front Yard Setback (40' required, 19.6' proposed; 20.4' variance requested)
 - (b) Section 170-99C(3) Side Yard Setback (10' required, 7.68' proposed; 2.32' variance requested)
 - (c) Section 170-87L(2)(d) Site Street/Corner Lot Setback (20' required, 15.97' proposed; 4.03' variance requested)
 - (d) Section 170-3A(Yards)(1) Covered Front Porch Setback (6' required, 7.5' proposed; 1.5' variance requested)
6. The following persons testified at the hearing: The applicant and John Brower, AIA. The applicant withdrew his request for the covered porch variance.
7. The following persons objected to or expressed interest in the application at the hearing: none.
8. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70(c)(1) for the relief sought because of the location of the house on the lot caused a hardship related to the land.

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 variances from the Ordinance:

Front Yard Setback variance of 20.4';
Side Yard Setback variance of 2.32' and
Site Street/Corner Lot Setback variance of 4.03' are granted.

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.

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 July 24, 2012 in which Board voted with seven votes cast in favor and none opposed to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:



ALAN OZAROW

Dated: July 24, 2012

Prepared by: HERBERT S. FORD, ESQ.