

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

Case # 2013-10-V

Motion by: Mr. Anthony Nardone

Second by: Mr. James 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 July 23, 2013, the following findings of fact and conclusions are made:

1. The applicant is Kenneth M. Newman.
2. The property is commonly known as 48 Melrose Drive and is taxed as Block 1606, Lot 19. 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. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-99C3 Side Yard Setback – 10’ required, 9.73’ proposed; 0.27’ variance requested;
 - (b) Section 170-99C3 Side Yard Aggregate Setback – 21’ required, 19.09’ proposed; 1.91’ variance requested;
 - (c) Section 170-87CC4 Habitable Floor Ratio – 30% allowed, 33.10% proposed; 3.31% variance requested
6. The following persons testified at the hearing: The applicant.
7. The following persons objected to or expressed interest 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 by demonstrating that an undue or exceptional hardship would be imposed upon the applicant by a denial because the lot is narrow and undersized for the zone. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (d)(4) for the relief from the ratio provision of the Ordinance 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) 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 variances from the Ordinance:

Side Yard Setback Variance of twenty seven one hundredths feet (0.27'),
Aggregate Side Yard Setback Variance of one and ninety-one one hundredths feet (1.91'),
and
A Habitable Floor Ratio variance of 3.31% 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 23, 2013 in which Board voted to seven 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: September 17, 2013

Prepared by: HERBERT S. FORD, ESQ.