

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

Case # 2013-17-V

Motion by: Mr. James Hochberg

Second by: Mr. Anthony 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 May 28, 2013, the following findings of fact and conclusions are made:

1. The applicant is Fanny Na-Chung and Michael Chung.
2. The property is commonly known as 8 Demarest Road and is taxed as Block 4502, Lot 2. 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 170-99(c)(2) Front Yard Setback (40' required, 35.55' proposed; 4.45' variance requested)
  - (b) Section 170-99(c)(3) Side Yard Setback (10' required, 5.54' proposed; 4.46' variance requested)
  - (c) Section 170-99(c)(3) Aggregate Side Yard Setback (21' required, 17.97' proposed; 3.03' 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 for the zone. Also, the location of the house is non-conforming with respect to the front yard with the proposed addition coming no more into the front than the existing house.

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 four and forty five one hundredths feet (4.45');  
Side Yard Setback Variance of four and forty six one hundredths feet (4.46') and  
Aggregate Side Yard Setback Variance of three and three one hundredths feet (3.03')  
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 May 28, 2013 in which Board voted to four 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:

  
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ALAN OZAROW

Dated: June 25, 2013

Prepared by: HERBERT S. FORD, ESQ.