

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

Application #: 2016-24-V
Decided: June 28, 2016
Memorialized: July 26, 2016

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 June 28, 2016, the following findings of fact and conclusions are made:

1. The applicant is: Christopher Santos.
2. The property is commonly known as 60 East McClellan Avenue and is taxed as Block 1706, Lot 25. 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 Ordinance(s):
 - (a) Section 170-99C(4) – Side Yard Setback – 10 feet required, 9.74 feet proposed; a .26 foot variance is requested.
 - (b) Section 170-87BB(4) – Habitable Floor Area – 3,220 SF allowed, 3,927 SF proposed, a 707 SF variance is requested.
6. The following persons testified at the hearing: The Applicant. The Applicant's architect, Keith Lesser.
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. 40:55D-70(c) (1) for the relief sought by demonstrating that the applicant has a hardship due to the narrowness of the lot. The Applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(2) for the relief sought by demonstrating that the purposes of the Municipal Land Use Law (MLUL) would be advanced by the addition, and the benefits of the variance substantially outweigh any detriment. The applicant has further satisfied the requirements for the relief sought by demonstrating that the addition will fit within the streetscape and that the property can

accommodate the residence. The Board also found that Side Yard variance sought by the Applicant is de minimis.

9. The Board also found that in granting the variances there will be no substantial detriment resulting to the public good, nor will there be any 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:

(a) A Side Yard Setback variance of twenty-six hundredths of a foot (.26') is granted; and


(b) A Habitable Floor Area variance of seven-hundred-seven square feet (707 SF) is granted; and

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.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on June 28, 2016 in which Board voted six 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:



JAMES HOCHBERG

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Livingston on June 28, 2016 by the affirmative votes of Mr. Vieira, Ms. Tabak Fass, Ms. Hwang, Mr. Bier, Mr. Dunec and Mr. Hochberg; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:

JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.