

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

Application #: 2016-39-V  
Decided: October 25, 2016  
Memorialized: November 29, 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 October 25, 2016, the following findings of fact and conclusions are made:

1. The Applicants are: Pedro & Alegria DingLasan.
2. The Property is commonly known as 2 Arrow Drive and is taxed as Block 4900, Lot 13. The property is in the R-1 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 a rear yard porch and deck to an existing single family residence.
5. Violations of the following Livingston Zoning Ordinances were noted:
  - (a) Section 170-96C (3) – Rear Yard Setback – 75 feet required; 59 feet proposed; a 16-foot variance is requested.
  - (b) Section 170-96(c)(3) - Side Yard Setback - 15 feet required; 9.68 feet proposed; a 5.32-foot variance is requested.
6. The following persons testified at the hearing: The Applicants; the Applicants' builder, Mark Swanson.
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 a shallow, undersized lot. It was noted that had the Applicant's lot been a standard size, a variance would not be needed. The Board found that the lot can accommodate the proposed structure.

The Board found that by granting the variance there will be no substantial 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:

- (a) A sixteen foot (16') Rear Yard Setback variance is granted; and
- (b) A five and thirty-two hundredths-foot (5.32') variance is 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.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on October 25, 2016 in which Board voted seven in favor and none opposed to deny the application 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 October 25, 2016 by the affirmative votes of Mr. Hochberg, Mr. Nardone, Mr. Gilman, Mr. Vieira, Ms. Hwang, Mr. Bier and Ms. Tabak-Fass, they being all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:

  
JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.