

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

Application #: 2017-61-V
Decided: October 24, 2017
Memorialized: November 28, 2017

Motion: Mr. Hochberg
Second: Ms. Tabak-Fass

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 24, 2017, the following findings of fact and conclusions are made:

1. The Applicant is: Steve Maletos.
2. The Property is commonly known as 9 Burnet Hill Road and is taxed as Block 5001, Lot 77. 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 a 2-story addition for an existing single-family residence, and removal of a detached garage. Violations of the following Livingston Zoning Ordinances were noted:
 - (a) Section 170-99C(2) - Front Yard Setback - 40 feet required, 23.25 feet proposed; a 16.75-foot variance requested;
 - (b) Section 170-99C(4) - Rear Yard Setback - 35 feet required; 31 feet proposed; a 4-foot variance requested;
 - (c) Section 170-99C(3) - Side Yard Setback (right) - 10 feet required; 8.25 feet proposed; a 1.75-foot variance requested;
 - (d) Section 170-99C (3) - Side Yard Setback (left) - 10 feet required; 5.35 feet proposed; a 4.65-foot variance requested;
 - (e) Section 170 - 99-C(3) - Side Yard Aggregate Setback - 30% required; 27.2% proposed; a 2.8% variance requested.
 - (f) Section 170-87CC(4) - Habitable Floor Ratio - 30% required; 54% proposed; a 24% variance is requested.
5. The following persons testified at the hearings: The Applicant, the Applicant's architect, Tsampicos Perides AIA. The Board heard testimony, and considered the plans submitted in conjunction with the application.
6. The following persons objected to, or expressed interest in, the application at the hearings: None.

7. The Board found that the Applicant 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 narrow, shallow and undersized (5100 SF) lot. The Board found that the lot can accommodate the proposed structure, and that the proposed structure will fit in with the neighborhood. The Board found that by granting the variances 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.

8. 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 Front Yard Setback variance of 16.75 feet is granted;
- (b) A Rear Yard Setback variance of 4 feet is granted;
- (c) A (right) Side Yard Setback variance of 1.75 feet is granted;
- (d) A (left) Side Yard Setback variance of 4.65 feet is granted;
- (e) An Aggregate Side Yard Setback variance of 2.8% is granted;
- (f) A Habitable Floor Ratio variance of 24% 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 June 27, 2017 in which Board voted six in favor and none opposed to approve the application.

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 24, 2017 by the affirmative votes of Mr. Hochberg, Mr. Bier, Ms. Tabak-Fass, Ms. Hwang, Mr. Resnick and Mr. Nardone, being all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.