

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

Case # 2013-61-V

Motion by: Mr. Jack Gillman

Second by: Dr. Shawn Klein

**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 January 28, 2014, the following findings of fact and conclusions are made:

1. The applicant is Yuedong Wu and Min Luo.
2. The property is commonly known as 30 Montgomery Road and is taxed as Block 3000, Lot 43. The property is in the R-3 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 170-98C2 Front Yard Setback – 50' required, 34.7' proposed; 15.3' variance requested;
  - (b) Section 170-98C3 Side Yard Setback – 10' required, 7.37' proposed; 2.63' variance requested;
  - (c) Section 170-98C3 Side Yard Setback – 10' required, 8.7' proposed; 1.3' variance requested;
  - (d) Section 170-98C3 Side Yard Aggregate Setback – 18' required, 16.07' proposed; 1.93' variance requested; and
  - (e) Section 170-87CC3 Habitable Floor Ratio – 21% allowed, 24.18% proposed; 3.18% variance requested;
6. The following persons testified at the hearing: The applicant and Margaret Petersen, AIA.
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 there is a hardship due to the narrowness of the lot and the lot is undersized for the zone. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70(d)(4) for the relief sought 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:

A Front Yard Setback variance of fifteen and three tenths feet (15.3');  
A Side Yard Setback variance of two and sixty three one hundredths feet (2.63');  
A Side Yard Setback variance of one and three tenths feet (1.3');  
A Side Yard Aggregate Setback variance of one and ninety-three one hundredths feet ( 1.93'); and  
A Habitable Floor Area Ratio variance of three and eighteen one hundredths percent (3.18%) are granted.

As a condition of the approvals granted, the applicant agreed to install evergreen trees from five to six feet in height on the side with the largest side yard variance to buffer the construction on this side. These shall be planted prior to issuance of a final Certificate of Occupancy.

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 January 28, 2014 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:



JAMES HOCHBERG

Dated: February 25, 2014

Prepared by: HERBERT S. FORD, ESQ.