

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

Case # 2014-26-V

Motion by: Mr. Ajay Shah

Second by: Mr. Christopher Bardi

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 April 29, 2014, the following findings of fact and conclusions are made:

1. The applicant is David Caetano.
2. The property is commonly known as 43 North Ashby Avenue and is taxed as Block 1402, Lot 7. 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 a two story addition to a single-family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-99C(2) Front Yard Setback – 40' required, 13.7' proposed; 26.3' variance requested;
 - (b) Section 170-99C(3) Side Yard Setback – 10' required, 2.8' proposed; 7.2' variance requested;
 - (c) Section 170-87CC(4) Habitable Floor Ratio – 30% allowed, 52.9% proposed; 22.9% variance requested; and
 - (d) Section 170-87V Building Coverage – 23% allowed, 28.7% proposed; 5.7% variance requested;
6. The following persons testified at the hearing: the applicant and Raul Mederos, AIA.
7. The following persons objected to or expressed interest the application at the hearing: Martin Simboli of 40 North Ashby was concerned about the front setback.
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 narrow, shallow, and undersized lot. 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 twenty six and three tenths feet (26.3');
- A Side Yard Setback variance of seven and two tenths feet (7.2');
- A Building Coverage variance of five and seven tenths percent (5.7%); and
- A Habitable Floor Ratio variance of twenty two and nine tenths percent (22.9%) 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 April 29, 2014 in which Board voted to six in favor and one 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: May 27, 2014

Prepared by: Herbert S. Ford, Esq.