

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

Case # 2012-16-V

Motion by: Mr. Hochberg

Second by: Mr. Nardone

**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 May 22, 2012, the following findings of fact and conclusions are made:

1. The applicant is George Fiallo.
2. The property is commonly known as 12 Sunset Road and is taxed as Block 2100 Lot 56. 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. Violation of Livingston Zoning Ordinance
  - (a) Section 170-98C(2) Front Yard Setback (50' required, 25.8' proposed; 24.2' variance requested)
  - (b) Section 170-98C(3) Side Yard Setback (10' required, 8.4' proposed; 1.6' variance requested)
  - (c) Section 170-87CC(3) Habitable Floor Ratio (21% allowed, 35.98% proposed; 14.98% variance requested).
6. The following persons testified at the hearing: The applicant and Ali Qureshi, 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) and (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. The lot was undersized for the zone, unusually shaped, the expansion will be hidden by trees and consistent with the neighborhood. The bulk variances were justified due to the small size of the lot.

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:

Maximum Habitable Area Ratio Variance of fourteen and ninety eight one hundredths percent (14.98%);  
Front Yard Setback Variance of twenty four and two tenths (24.2') feet; and  
Side Yard Variance of one and six tenths (1.6') feet 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 May 22, 2012 in which Board voted with six votes cast 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:

  
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ALAN OZAROW

Dated: June 26, 2012

Prepared by: HERBERT S. FORD, ESQ.