

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

Case # 2011-18-V

Motion by: Mr. Gillman

Second by: Mr. Shah

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 June 28, 2011, the following findings of fact and conclusions are made:

1. The applicant is Peter McPhee on behalf of Michael and Peggy Erb.
2. The property is commonly known as 13 Dickenson Lane is taxed as Block 6103 Lot 6. 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 an addition to a single-family residence.
5. Violation of Livingston Zoning Ordinance
 - (a) Section 170-96C(2) Front Yard Setback Variance (75' required, 43' proposed, 32' variance requested)
 - (b) Section 170-96C(3) Side Yard Setback Variance (15' required, 4.4' proposed, 10.6' variance requested)
 - (c) Section 170-96C(4) Rear Yard Setback Variance (75' required, 54.5' proposed, 20.5' variance requested)
 - (d) Section 170-87CC(1) Maximum Habitable Floor Ratio (15% allowed, 32.896% proposed; 17.896% variance requested)
6. The following persons testified at the hearing: The applicants.
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 (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 applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) for the relief sought by demonstrating that an undue or exceptional hardship would be imposed upon the applicant by a denial due the lot is undersized for the zone and narrow.

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:

Front Yard Setback Variance of 32 ft is granted
Side Yard Setback Variance of ten and six tenths feet (10.6') is granted
Rear Yard Setback Variance of twenty and five tenths feet (20.5') is granted; and
Maximum Habitable Area Ratio Variance of 17.896% 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 and signed by the Chairman 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 June 28, 2011 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:



ALAN OZAROW

Dated: July 26, 2011

Prepared by: HERBERT S. FORD, ESQ.