

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

Case # 2014-1-V

Motion by: Dr. Klein

Second by: Mr. Gilman

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 February 25, 2014, the following findings of fact and conclusions are made:

1. The applicant is Amy and Jason Esralew.
2. The property is commonly known as 26 Trafalgar Drive and is taxed as Block 2400, Lot 17.08. 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 a pool house to the rear of a single-family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-87BB1 Habitable Floor Area – 6200 square feet allowed, 7127 square feet proposed; 927 square feet variance requested.
6. The following persons testified at the hearing: The applicant.
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 location of the proposed improvements which should not be visible from the street provided the buffering landscaping is maintained.

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 Habitable Floor Area variance of 927 square feet is granted.

The Board imposed the following conditions on the applicant:

No heat, air conditioning nor kitchen shall be installed in the pool house and it use will be seasonal only with the use of the pool.


The applicant shall maintain the landscaping buffer so the pool house is not visible from the street.

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 February 25, 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: March 25, 2014

Prepared by: HERBERT S. FORD, ESQ.