

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

Case # 2014-89-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 January 27, 2015, the following findings of fact and conclusions are made:

1. The applicant is Jennifer Fields.
2. The property is commonly known as 27 Tuxedo Drive and is taxed as Block 1901, Lot 9. 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 170-87BB(3) Habitable Floor Area – 3,520 SF allowed, 3,654 SF proposed; 134 SF variance requested
6. The following persons testified at the hearing: The Applicant and Mr. Wilcox, AIA. The applicant testified about the water problem which was impairing the structural integrity of the foundation and basement slab and that the addition would allow visibility to the den from the kitchen so it would aid in childcare supervision.
7. The following persons objected to or expressed interest the application at the hearing: Lawrence Cohen of 16 Tarlton Drive who was concerned with the removal of trees, aesthetic issues in the design of the portion of the addition for which permits were already issued and not the specific additional square footage for which the variance was required. Mr. Cohen was not opposed to the application but wanted changes to the design to accomplish aesthetic goals that he required.
8. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(2) for the relief sought as the additional square footage was de minimis, could not be seen from the street and was a better zoning result than strictly enforcing the ordinance.

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 one hundred thirty-four square feet (134') 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 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 27, 2015 in which Board voted to six 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 24, 2015

Prepared by: Herbert S. Ford, Esq.