

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

Case #ZB-2014-85-V
Motion by: Mr. Hochberg
Second by: Mr. Dumec

Re: Application No. 2014-85-V
Applicant: Robert D. Sanders & Sara Ann Sanders
Premises: 2 Goodhart Drive
Livingston, New Jersey
Block 6800, Lot 15
Zone: R-1

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 March 24, 2014, the following findings of fact and conclusions are made:

1. The Applicants are: Robert D. Sanders and Sara-Ann Sanders.
2. The property is commonly known as 2 Goodhart Drive, Livingston, New Jersey and is taxed as Block 6800 Lot 15. 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 arrearages.
4. The Applicants propose to construct a one-story kitchen addition along the rear of the existing building that will encroach in to the rear yard setback and which will result in total square footage that exceeds the habitable floor ratio maximum.
5. The Applicants violate the following provisions of the Zoning Code:
 - A) Section 170-96C(4) which requires a minimum rear yard setback of 75 feet. The proposed addition would require a variance of 4.6 feet.
 - B) Section 170-87C(1), habitable floor ratio allows 15%, whereas the Applicants request a variance of 0.94%.
6. Testifying on behalf of the Applicant were:
 - A) The Applicant, Sara-Ann Sanders.

- B) Michael Chiarella, admitted as an expert in architecture.
 - C) Richard Keller, of Casey & Keller, admitted as an expert in planning.
7. No members of the public appeared either in support or opposition to the Application.
 8. The Applicants have satisfied the statutory criteria of N.J.S.A. 49:55D-70(c)(1) for the rear yard setback variance by demonstrating that the property has an exceptional and irregular shape, is a corner lot, and has frontage on three public streets. The Applicant cannot comply with the setback requirements because of the unusual and exceptional irregularity of the lot and the addition will not be visible from the front of the property and only have limited visibility from South Orange Avenue, which is a heavily traversed road. The Applicant has further satisfied the statutory criteria of N.J.S.A. 49:55D-70(c)(2) as to the habitable floor ratio variance because the proposed addition will be an aesthetic improvement, will have no visibility from the front of the property and limited visibility from the other public streets on which the property fronts, and will not have any invasive affect as to the air and light of the surrounding properties. The proposed addition will be bring the total area of the house to 5,520 square feet, whereas 6,200 square feet are allowable under the FAR limits of the Township Ordinance.
 9. The Board further finds that as to both variances there will be no substantial detriment to the public good, nor will the intent and purpose of the Zone Plan and Zoning Ordinance be impaired.

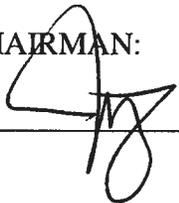
NOW THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Livingston that the Application herein submitted is granted for the reasons stated above as follows:

1. The Board grants the variances requested by the Applicant as follows:
 - A) A variance of 4.6 feet from the rear yard setback provisions of Section 170-96C(4) to permit the addition to be constructed with a setback of 70.4 feet.
 - B) A habitable floor area ratio variance of 0.94% from the provisions of Section 170-96C(1) to permit construction of the aforesaid addition which will result in a total habitable floor area ratio of 15.94%,
2. This approval is subject to all other requirements of the Township Ordinances, Building Code, and right of appeal by any interested parties.

3. As required by Livingston Ordinance Section 170-27A, construction must commence within one year of the date hereof or the variance shall expire.
4. Copies of the Applicant's Plans submitted including the survey prepared by Casey & Keller dated June 27, 2014 and the architectural plans submitted by Michael Chiarella (undated), as well as the exhibits submitted during the hearing shall be attached hereto and made a part of the decision set forth herein.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on March 24, 2015 in which the Board voted unanimously to grant the Application in accordance with and subject to the terms and conditions set forth herein and as further set forth on the record.

CHAIRMAN:



Dated:

Prepared by: Richard W. Vallario, Esq.