

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

Case # 2011-22-V

Motion by: Mr. Shah

Second by: Ms. Boni

**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 26, 2011, the following findings of fact and conclusions are made:

1. The applicant is Leopard Films USA, Ltd. on behalf of Neal Teicher.
2. The property is commonly known as 49 West Lawn Road and is taxed as Block 2501; Lot: 7. 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 arrearages.
4. The applicant proposes to construct an addition to a single family residence and a pergola to the rear of the property.
5. Violation of Livingston Zoning Ordinance
  - (a) 170-98C(3) Side Yard Setback (10' required, 7' proposed; 3' variance requested)
  - (b) 170-98C(3) Side Yard Aggregate Setback (15' required, 13.51' proposed; 1.5' variance requested)
  - (c) 170-87E(1)(b) Distance Between Structure and pergola or arbor (10' required, 2' proposed; 8' variance requested)
  - (d) 170-87CC(3) Habitable Floor Ratio (21% allowed, 29.07% proposed; 8.07% variance requested)
6. The following persons testified at the hearing: The applicant, Michelle Clark and Julian Locke.
7. The following persons objected to or expressed interest in 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 of the neighborhood. 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 to a narrow 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:

Side Yard Setback variance of three feet (3');  
Aggregate side yard variance of one and five tenths feet (1.5');  
Variance in required Distance between structure and the pergola or arbor of eight feet (8') and  
Habitable Floor Area Ratio variance of eight and seven one hundredths percent (8.07%)  
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 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 May 26, 2011 in which Board voted with five votes cast in favor 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: May 26, 2011

Prepared by: Herbert S. Ford, Esq.