

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

Case # 2011-64-V

Motion by: Mr. Ozarow

Second by: Mr. Hochberg

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 28, 2012, the following findings of fact and conclusions are made:

1. The applicant is Steven Virany.
2. The property is commonly known as 24 Vanderbilt Drive is taxed as Block 7104 Lot 3. 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 170-87BB(1) Habitable floor area. 6200 Habitable square feet allowed, 9105 Habitable square feet proposed, 2905 Habitable square foot variance requested.
 - (b) Section 170-87CC(1) Habitable Floor Ratio (15% allowed, 23.2% proposed; 8.2% variance requested)
6. The applicant was represented at the hearing by Stephen A. Geffner, Esq. of the firm of Schenck Price Smith & King, LLP.
7. The following persons testified at the hearing: The applicant and Valerie Virany, John James, AIA and Richard Keller, PE, PP. The testified that although the agenda shows 2905 habitable square feet variance, the addition will only add about 551 habitable square feet and the balance already exists.
8. The following persons objected to or expressed interest the application at the hearing: none.
9. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) and (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 residence is already a permitted use at this location and under Coventry Square the Board granted the D(4) use

variance. The fact that most of the improvements were not visible from the street was important in granting the variance as that met the standard that additions not create overwhelming bulk for the neighborhood.

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:

Maximum Habitable Floor Area Variance of 2905 sq ft is granted; and
Maximum Habitable Area Ratio Variance of 8.2% 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.

Mr. Silverman recused himself and not in the chambers during the hearing.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on February 28, 2012 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: February 28, 2012

Prepared by: HERBERT S. FORD, ESQ.