

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

Case # 2012-26-V

Motion by: Mr. Klein

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 June 26, 2012, the following findings of fact and conclusions are made:

1. The applicant is David and Stefanie Welling.
2. The property is commonly known as 8 Dorrien Road and is taxed as Block 2907, Lot 18. 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. Violation of Livingston Zoning Ordinance
 - (a) Section 170-98C(2) Front Yard Setback (50' required, 45.34' proposed; 4.66' variance requested)
 - (b) Section 170-98C(3) Side Yard Setback (10' required, 6.93' proposed; 3.07' variance requested)
 - (c) Section 170-98C(4) Rear Yard Setback (40' required, 36.4' proposed, 3.6' variance requested);
 - (d) Section 170-87CC(3) Habitable Floor Ratio (21% allowed, 24.91% proposed; 3.91% variance requested).
6. The following persons testified at the hearing: The applicant and John Brower, AIA.
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) 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 lot is shallow and undersized for the zone and consistent with the neighborhood. The bulk variances were justified due to the small size of the 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:

Front Yard Setback Variance of four and sixty six one hundredths (4.66') feet;
Side Yard Setback Variance of three and seven one hundredths (3.07') feet;
Rear Yard Setback Variance of three and six tenths (3.6') feet; and
Maximum Habitable Floor Area Ratio Variance of fourteen and ninety eight one hundredths percent (3.91%);


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.

Jared Resnick recused himself on this matter and did not participate in it.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on June 26, 2012 in which Board voted with five 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
James C. Hochberg

Dated: July 24, 2012

Prepared by: HERBERT S. FORD, ESQ.