

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

Case # 2012-52-V

Motion by: Mr. Nardone

Second by: Mr. Shah

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 December 11, 2012, the following findings of fact and conclusions are made:

1. The applicant is Northern Hills Redevelopment.
2. The property is commonly known as 15 Dougal Avenue and is taxed as Block 3000, 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. Violation of Livingston Zoning Ordinance
 - (a) Section 170-87CC(3) Habitable Floor Ratio (21% allowed, 30% proposed; 9% variance requested.
 - (b) Section 170-98(C)(2) Front Yard Setback (50' required, 6' proposed, 44' variance requested.
6. The following persons testified at the hearing: The applicant and Douglas Miller, 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 (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 and the Board granted the D(4) use variance. The applicant also is entitled to the N.J.S.A. 49:55D-70 (c)(1) bulk variance due to the shallowness of the lot which causes exceptional hardship due to a topographical condition.

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 Ratio Variance of nine percent (9%) is granted; and Front Yard setback variance of forty four feet (44') 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 December 11, 2012 in which Board voted unanimously in favor to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:



ALAN OZAROW

Dated: January 29, 2013

Prepared by: HERBERT S. FORD, ESQ.