

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

Case # 2013-14-V

Motion by: Dr. Shawn Klein

Second by: Mr. Anthony 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 April 23, 2013, the following findings of fact and conclusions are made:

1. The applicant is Rachel Baluyot.
2. The property is commonly known as 38 South Ashby Drive and is taxed as Block 3800, Lot 12. The property is in the R-4 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 an addition to a single-family residence.
5. Violation of Livingston Zoning Ordinance
 - (a) Section 170-87CC(4) Habitable Floor Ratio (30% allowed, 35.86% proposed; 5.86% variance requested.
6. The following persons testified at the hearing: The applicant and James Karas, 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 the Board granted the D(4) use variance. The Board noted the addition is in the rear yard and will not impact the streetscape and is less total habitable square feet than permitted in the zone.

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 variance from the Ordinance:

Maximum Habitable Floor Area Ratio Variance of five and eighty six one hundredths percent (5.86%) 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 April 23, 2013 in which Board voted 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: May 28, 2013

Prepared by: HERBERT S. FORD, ESQ.