

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

Case # 2013-24-V

Motion by: Mr. Alan Ozarow

Second by: Mr. Jared Resnick

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 25, 2013, the following findings of fact and conclusions are made:

1. The applicant is Aaron & Serena Solomon.
2. The property is commonly known as 2 Valley View Court and is taxed as Block 801, Lot 3. The property is in the R-2 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. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-97C(2) Front Yard Setback – 60’ required, 37.6’ proposed; 22.6’ variance requested
 - (b) Section 170-87BB(2) Habitable Floor Area – 4,870 SF allowed, 6,187 SF proposed; 1,317 SF variance requested
6. The following persons testified at the hearing: The applicant and Laurence Appel, 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) for the relief sought by demonstrating that the property an undue or exceptional hardship would be imposed upon the applicant by a denial because the lot has steep slopes and therefore has decided to add a second floor rather than expand the residence.

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:

A Habitable Floor Area variance of 1,317 SF variance and Front Yard setback variance of twenty two and two tenths feet (22.2) 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 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 June 25, 2013 in which Board voted to six in favor and one 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: July 23, 2013

Prepared by: HERBERT S. FORD, ESQ.