

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

Case # 2013-27-V

Motion by: Mr. James Hochberg

Second by: Mr. Ajay 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 June 25, 2013, the following findings of fact and conclusions are made:

1. The applicant is Igor & Libby Joffe.
2. The property is commonly known as 39 Winchester Road and is taxed as Block 4602, Lot 21. 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 to construct a new single-family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-87BB(4) Habitable Floor Area 3,220 SF allowed, 3540 SF proposed; 320 SF variance requested.
 - (b) Section 170-87CC(4) Habitable Floor Ratio 30% allowed, 43.36% proposed; 13.36% 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 new residence will correct the existing non-conforming front setback.

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 320 SF variance and
A Habitable Floor Ratio variance of 13.36% 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 seven 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: July 23, 2013

Prepared by: HERBERT S. FORD, ESQ.