

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

Application #: 2016-16-V  
Decided: May 24, 2016  
Memorialized: June 28, 2016

**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 May 24, 2016, the following findings of fact and conclusions are made:

1. The applicant is: Douglas Allan.
2. The property is commonly known as 252 West Hobart Gap Road and is taxed as Block 5202, Lot 12. The property is in the R-1 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 Ordinance(s):
  - (a) Section 170-96C (2) Front Yard Setback - 75' required, 53.48' proposed; 21.52' variance requested.
  - (b) Section 170-96C (3) Side Yard Setback 15' required; 11.2' proposed; 3.8' variance requested.
  - (c) Section 170-96C (4) Rear Yard Setback – 75required, 45.2' proposed; 29.8' variance requested.
  - (d) 170-87L (1) (a) Corner Lot/ Side Yard Setback – 60'; 47, 2' proposed; 12.8' variance requested.
  - (e) 170-87CC1 – Habitable Floor Area Ratio – 15% allowed, 19.4% proposed; 4.4% variance is requested.
6. The following persons testified at the hearing: The Applicants, and the Applicants' architect, George Sincox.
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 Applicant has a hardship due to the pre-existing location of the building on the property. The Applicant's proposal will not change the existing

footprint of the property. The rear, side and front yard setbacks are all pre-existing. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(2) for the relief sought by demonstrating that the purposes of the Municipal Land Use Law (MLUL) would be advanced by the addition, and the benefits of the variance substantially outweigh any detriment. The applicant has further satisfied the requirements for the relief sought by demonstrating that the addition will fit within the streetscape and that the property can accommodate the residence.

The Board found that there will be no substantial detriment resulting to the public good, nor will there be an impairment of the zoning plan or municipal zoning ordinance resulting from the Applicant's proposal. 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) A Front Yard Setback variance of 21.52' is granted;
- (b) A Side Yard Setback variance of 3.8' is granted;
- (c) A Rear Yard Setback variance of 29.8' is granted;
- (d) A Corner Lot/Side Yard Setback variance of 12.8' is granted; and
- (e) A Habitable Floor Area Ratio variance of 4.4% 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.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on May 24, 2016 in which Board voted 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:

  
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JAMES HOCHBERG

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Livingston on May 24, 2016 by the affirmative votes of Mr. Vieira, Mr. Bier, Mr. Gillman, Ms. Hwang, Ms. Tabak Fass, Mr. Resnick and Mr. Nardone; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:

  
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JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.