

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

Case # 2010-67-V

Motion by: Ms. Attridge

Second by: Mr. Gillman

**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 February 22, 2011, the following findings of fact and conclusions are made:

1. The applicant is Charles Chen.
2. The property is commonly known as 10 Tower Road is taxed as Block 6001 Lot 29. 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. Violation of Livingston Zoning Ordinance
  - (a) Section 170-87BB(2) Maximum Habitable Floor Ratio (18% allowed, 18.6% proposed; 0.6% variance requested)
  - (b) Section 170-97(C)(4) Rear Yard Setback (50' required, 27' proposed, 23' variance requested).
6. The following persons testified at the hearing: The applicant and Dee Voug, 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 applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) for the relief sought by demonstrating that an undue or exceptional hardship would be imposed upon the applicant by a denial due the shallowness of the lot which is undersized for the zone. The addition will not be seen from the street.

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 Area Ratio Variance of 0.6% is granted; and  
Rear Yard Setback Variance of twenty three feet (23') 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 and signed by the Chairman 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 February 22, 2011 in which Board voted with more than five votes cast in favor 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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ALAN OZAROW

Dated: March 22, 2011

Prepared by: HERBERT S. FORD, ESQ.