

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

Case # 2011-46-V

Motion by: Mr. Shah

Second by: Ms. Atteridge

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 October 25, 2011, the following findings of fact and conclusions are made:

1. The applicant is Emily O'Neill.
2. The property is commonly known as 37 Lincoln Avenue and is taxed as Block 1304 Lot 8. 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 arrearages.
4. The applicant proposes to construct a new garage in the rear of the property.
5. Violation of Livingston Zoning Ordinance
 - (a) Section 170-87E(1)(d)4 Accessory rear yard setback (5 feet required, 4 feet proposed, 1 foot variance requested). This request was waived at the hearing by the applicant.
 - (b) Section 170-87E(1)(d)4 Accessory side yard setback (5 feet required, 3 feet 6 inches proposed, 1 foot 6 inches variance requested).
6. The following persons testified at the hearing: Timothy O'Neill, the co-owner.
7. The following persons objected to or expressed interest in 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 an undue or exceptional hardship would be imposed upon the applicant by a denial due the shallowness and narrowness of the lot.

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:

Accessory Side Yard Setback variance of one and five tenths feet (1.5').

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. All other permits required by the Ordinances must be obtained before a building permit will be issued.

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 October 25, 2011 in which Board voted to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:



ALAN OZAROW

Dated: November 17, 2011

Prepared by: Herbert S. Ford, Esq.