

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

Case # 2011-21-V

Motion by: Hochberg

Second by: Ms. Attridge

**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 28, 2011, the following findings of fact and conclusions are made:

1. The applicant is Rajesh and Anju Agarwal.
2. The property is commonly known as 44 North Baums Court and is taxed as Block: 3303; Lot: 5. The property is in the R-3 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 an addition to a single family residence on the property.
5. Violation of Livingston Zoning Ordinance
  - (a) 170-98C(2) Front Yard Setback (50' required, 49.375' proposed; 0.625' variance required)
  - (b) 170-98C(4) Rear Yard Setback (40' required, 35.85' proposed; 4.15' variance requested)
  - (c) 170-87L(1)(C) Side Street / Corner Lot Setback (40' required, 39.75' proposed, 0.25' variance requested)
6. The following persons testified at the hearing: The applicant and Robert Hernandez, AIA.
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 of the lot and irregular shape.

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:

Front Yard Setback variance of six hundred twenty five one thousandth foot (0.625');  
Rear Yard Setback variance of four and fifteen one hundredths feet (4.15') are granted;  
and  
Side Street / Corner Lot Setback Variance of twenty five one hundredths feet (0.25') 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 June 28 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. Mr. Shah recused himself from this matter.

CHAIRMAN:

  
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ALAN OZAROW

Dated: July 26, 2011

Prepared by: Herbert S. Ford, Esq.