

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

Case #2016-53-V

Motion to approve by: Mr. Nardone

Second to approve by: Mr. Resnick

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 April 25, 2017 the following findings of fact and conclusions are made:

1. The Applicant is Kenneth Lowenfish.
2. The property is commonly known as 45 Wynnewood Road, Livingston, New Jersey and is taxed as Block 5703 Lot 11. The property is in the R-2 Zone.
3. The Applicant has satisfied the statutory criteria and procedural requirements of service and publication of notice, and there are no taxes or assessments due or in arrears.
4. The Applicant proposes to add a deck to the rear of a single family residence.
5. The proposed Application would violate the following provisions of the Livingston Zoning Ordinances:

Section 170-97C(4) Rear Yard Setback – 50 Feet required, 36 feet proposed; 14 Foot variance requested.

6. The Applicant testified at the hearing that the property is a shallow and irregular shaped lot that creates a hardship for adding a deck in the rear yard.
7. The Applicant has satisfied the statutory criteria of N.J.S.A. 40:55D-70(c)(1) for the relief sought by demonstrating that the residence will fit within the streetscape and the property can accommodate the proposed deck addition to the residence. The Applicant has presented proof that the subject property is shallow and irregular in shape. The Board determined that the rear yard variance can be granted under N.J.S.A. 40:55D-70(c)(1). Based upon the above findings there would be no detriment to the public good nor will

there be an impairment of the Zone Plan or Zoning Ordinance and the benefits of the variance will outweigh any potential detriment.

NOW THEREFORE, be it RESOLVED by the Zoning Board of Adjustment of the Township of Livingston that the Application herein submitted is granted and approved subject to the following variances from the Township Ordinances:

- a) The rear yard setback variance of 14.0 feet from the provisions of Code Section 170-97C(4) is granted.

This approval is subject to all other requirements of the Township Ordinances, building codes, and the right of appeal by any interested party. As required by Livingston Ordinance 170-27(A) construction must be commenced within one (1) year of the date hereof or the variances shall expire.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on April 25, 2017 in which the Board voted unanimously to approve the Application in accordance with and subject to the terms and conditions set forth herein and on the record.

CHAIRMAN:



JAMES HOCHBERG

Dated: 5/23/17

Prepared by: Richard W. Vallario, Esq.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS