

RESOLUTION
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF LIVINGSTON
NEW JERSEY

Application #: 2017-11-V
Decided: May 23, 2017
Memorialized: June 27, 2017

Motion 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 hearings on April 25, 2017 and May 23, 2017, the following findings of fact and conclusions are made:

1. The Applicant is: Richard Benjamin.
2. The Property is commonly known as 21 Norman Court and is taxed as Block 3901, Lot 129. The property is in the R-5E 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 a deck in the rear yard of an existing single-family residence. Violations of the following Livingston Zoning Ordinance was noted:
 - (a) Section 170-99C (4) - Rear Yard Setback - 35 feet required, 22 feet proposed; 13-foot variance requested.
5. The following persons testified at the hearing: The Applicant.
6. The following persons objected to or expressed interest the application at the hearing: None.
7. The Applicant has satisfied the statutory requirements of N.J.S.A. 40:55D-70(c) (1) for the relief sought by demonstrating a hardship. The hardship found was an irregularly shaped, shallow lot, and the location of the dwelling on the lot. The Board found that the lot can accommodate the proposed structure, and that the proposed structure will fit in with the neighborhood. The Board found that by granting the variance 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.


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 Township Ordinance:

(a) A Rear Yard Setback variance of 13' is granted from the provisions of Code Section 170-99C (4) for the building of a deck.

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.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on May 23, 2017 in which Board voted seven in favor and none opposed to permit the application in accordance with, and subject to the terms and conditions set forth herein and on the record.

CHAIRMAN:



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 23, 2017 by the affirmative votes of Mr. Hochberg, Mr. Nardone, Ms. Hwang, Mr. Vieira, Mr. Bier, Mr. Resnick and Ms. Tabak-Fass being all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.