

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

Case # 2014-69-V

Motion by: Mr. Shah

Second by: Mr. Vieira

**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 28, 2014, the following findings of fact and conclusions are made:

1. The applicant is Mom's Place LLC.
2. The property is commonly known as 241 Walnut Street and is taxed as Block 5301 Lot 17. The property is in the R-1 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 rear yard fence on a corner lot that faces a street.
5. Violation of Livingston Zoning Ordinance
  - (a) 170-91B(4)(c) Rear Yard Fence Facing Street or public right of way (48' maximum height, 50% open required, 72' proposed; and 100% closed requested)
  - (b) 170-91B(3)(c) Side Yard Fence facing Street or public right of way (48' maximum height, 50% open required, 72' proposed; and 100% closed requested); and
  - (c) 170-91B(6)(a) Evergreen plantings in front of fence facing a street or public right of way. No additional plantings requested.
6. The following persons testified at the hearing: Charlotta Henley.
7. The following persons objected to or expressed interest in the application at the hearing: none.
8. The applicant agreed to install the fence behind the existing shrubs and trees so that it would not be visible and the applicant agreed to maintain and if necessary replace any of the shrubs and trees in the future if any did not survive.
9. 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 to the corner location of the property and the traffic on Walnut Street.

Now, therefore, be it **RESOLVED** by the **ZONING BOARD OF ADJUSTMENT** of the Township of Livingston that the application herein submitted is approved:

Rear and Side Yard Fence Height Variance of 24 inches and 100% closed; and

A variance from the plantings requirement as there are adequate existing plantings and the applicant agreed to locate the fence behind the existing plantings are granted

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on October 28, 2014 in which Board voted six in favor with one abstention 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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JAMES HOCHBERG

Dated: November 11, 2014

Prepared by: Herbert S. Ford, Esq.