

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

Case # 2015-4-V

Motion by: Ms. Fass

Second by: Mr. Dunec

**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 February 24, 2015, the following findings of fact and conclusions are made:

1. The applicant is Jugal K. Ladda.
2. The property is commonly known as 58 Lafayette Drive and is taxed as Block 2104, Lot 15. The property is in the R-2 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 sports court as an addition to a single-family residence.
5. Violations of Livingston Zoning Ordinances:
  - (a) Section 170-72C(5)(c) Retaining Wall Setback from Property Line – 5' required, 2' proposed; 3' variance requested
6. The following persons testified at the hearing: The Applicant and Paul Anderson, PE, PP. Mr. Anderson testified as to the topographical conditions that required locating the wall at this location to give the applicant sufficient room for the rear yard.
7. The following persons objected to or expressed interest 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 due to the steep slopes of the lot which posed topographical hardship related to the land justifying the variance.

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:

A retaining wall setback variance from property line variance of three (3') feet 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 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 February 24, 2015 in which Board voted to five in favor and two opposed 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: March 24, 2015

Prepared by: Herbert S. Ford, Esq.