

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

Case # 2014-81 -V

Motion by: Mr. Anthony Nardone

Second by: Mr. Michael 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 May 26, 2015, the following findings of fact and conclusions are made:

1. The applicant is Mr. & Mrs. Kwiat.
2. The property is commonly known as 3 Mountain Ridge Drive and is taxed as Block 2401, Lot 33. 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 arrears.
4. The applicant proposes to construct a covered porch onto a single-family residence.
5. The applicants previously were granted variances in September, 2014 for a front yard setback and rear yard setback and seek to amend that application.
6. Violations of Livingston Zoning Ordinances:
  - (a) Section 170-96C(4) Rear Yard Setback – 75' required, 42.79' proposed; 32.21' variance requested;
7. The following persons testified at the hearing: The applicant and Daniel Dubinett, AIA.
8. The following persons objected to or expressed interest the application at the hearing: none.

The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) for the relief sought by demonstrating that there is a hardship due to the shallowness of the lot.

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:

Rear Yard Setback Variance of thirty two and twenty one one hundredths feet (32.21') 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 May 26, 2015 in which Board voted in favor and none opposed to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:



---

JAMES HOCHBERG

Dated: June 23, 2015

Prepared by: Herbert S. Ford, Esq.