

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

Case #2015-33-V  
Motion to approve by: Mr. Gilman  
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 July 28, 2015, the following findings of fact and conclusions are made:

1. The Applicant is **ARJUN PATEL**.
2. The property is commonly known as **31 Burgundy Court**, Livingston, New Jersey and is taxed as Block 5800, Lot 4. The property is in the R-2 Zone.
3. The Applicants have 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 remove and construct a new enlarged deck on the existing single family home, and construct a free standing shed in the rear yard.
5. The proposed Application would violate the following provisions of the Livingston Zoning Ordinances:
  - (a) Section 170-97C(4) Rear Yard Setback: 50 feet required, 25 feet proposed; 25 foot variance requested; and
  - (b) Section 170-87E(1)(b) – Setback Between Structures: 10 feet required, 2 feet proposed, 8 foot variance requested.
6. Testifying on behalf of the Applicants were Arjun Patel.
7. No members of the public appeared either in support or opposition to the application.
8. The Applicant has satisfied the statutory criteria of N.J.S.A. 40:55D-70c(1) for the relief. The Applicant has presented proof that the subject property presents a hardship for any rear addition because of the irregular shape and exceptional shallowness of the lot, so that any structures added to the rear yard would violate requirements. The portion of the house closest to the shed has no windows so that a safety issue is not present. The rear of the property abuts utility power

lines so that no neighbors will be affected by the setback violations. . Based upon the above findings there would be no detriment or negative impact the public welfare 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 25 feet from the provisions of Code Section 170-97C(4) is granted.
- b) The Setback Between Structures variance of 8 feet from the provisions of Code Section 170-87E(1)(b) is granted.

The Board noted and advised the Applicant that this approval has no legal affect on any encroachment into the utility easements that run through the subject property and confers no right or approval, express or implied, to locate structures within said easement area, and that the Applicant assumes sole risk and responsibility for any construction within said area.

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 July 28, 2015 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:

  
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JAMES HOCHBERG

Dated: August 25, 2015

Prepared by: Richard W. Vallario, Esq.