

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

Case # 2010-52-V

Motion by: Mr. Gelman

Second by: Ms. Boni

**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 December 14, 2010, the following findings of fact and conclusions are made:

1. The applicant is Ken and Sherry Merber.
2. The property is commonly known as 45 Tremont Terrace is taxed as Block 3403 Lot 23. The property is in the R-3 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 an addition to a single-family residence.
5. Violation of Livingston Zoning Ordinance  
(a) Section 170-98C(4) Rear Yard Setback (40' required, 11.96' proposed;  
28.04' variance requested)
6. The following persons testified at the hearing: The applicant and Chris Craig, AIA.
7. The following persons objected to or expressed interest in the application at the hearing: none.
8. The applicant has satisfied the statutory requirements 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 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 variance from the Ordinance:

Rear Yard Setback variance of twenty eight and four one hundredths feet (28.04') 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 and signed by the Chairman 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 December 15, 2010 in which Board voted with seven votes cast 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:

  
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ALAN OZAROW

Dated: January 25, 2011

Prepared by: Herbert S. Ford, Esq.