

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

Case # 2011-30-V

Motion by: Mr. Gillman

Second by: Ms. Attridge

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 September 27, 2011, the following findings of fact and conclusions are made:

1. The applicant is Gavin Berelowitz.
2. The property is commonly known as 33 Marisa Drive and is taxed as Block 3901 Lot 143. The property is in the R-5E 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 deck addition to a single family residence on the property.
5. Violation of Livingston Zoning Ordinance
 - (a) 170-98C(3) Side Yard Setback (35' required, 28.75' proposed; 6.25' variance requested)
 - (b) 170-155 Steep Slope Regulations – construction on steep slopes prohibited.
6. The following persons testified at the hearing: The applicant.
7. The following persons objected to or expressed interest in 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 by demonstrating that an undue or exceptional hardship would be imposed upon the applicant by a denial due the shape and narrowness of the lot.

The Board interpreted Ordinance 24-2009 that regulates steep slopes so that the applicant did not require a variance to build on the steep slopes. Rather the applicant should proceed to submit his engineering plans to the Building Department to obtain a permit under the Ordinance

to build on steep slopes which would not be granted unless the various provisions including the "Special Development Requirements" in Section 170-63 were complied with.

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:

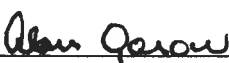
Side Yard Setback variance of six and twenty five one hundredths feet (6.25') is granted.

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. All other permits required by the Ordinances must be obtained before a building permit will be issued.

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 September 27, 2011 in which Board voted to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:



ALAN OZAROW

Dated: October 25, 2011

Prepared by: Herbert S. Ford, Esq.