

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

Case # 2011-41-V

Motion by: Mr. Ozarow

Second by: Mr. Gillman

**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 November 17, 2011, the following findings of fact and conclusions are made:

1. The applicant is Judy King-Hui.
2. The property is commonly known as 96 Belmont Drive and is taxed as Block 4200 Lot 53. The property is in the R-4 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 proposed to replace an existing fence in the front and side yards to a single family residence on the property that does not comply with the Ordinance.
5. Violation of Livingston Zoning Ordinance:
  - (a) Section 170-91B(2) Front Yard Fence (48" and 50% open allowed; 72" and closed fence proposed)
  - (b) Section 170-91B(3) Side Yard Fence Facing Street or Public Right of Way (48" and 50% open allowed; 72" and closed fence proposed)
6. The following persons testified at the hearing: The applicant and Roy Hui.
7. The following persons objected to or expressed interest in the application at the hearing: none.

The applicant has failed to satisfy 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 to a condition of the land. The Board voted 7 to 0 to deny the variances.

Now, therefore, be it **RESOLVED** by the **ZONING BOARD OF ADJUSTMENT** of the Township of Livingston that the application herein submitted is denied.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on November 17, 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:

  
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ALAN OZAROW

Dated: January 24, 2011

Prepared by: Herbert S. Ford, Esq.