

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

Case # 2011-46-V

Motion by: Mr. Klein

Second by: Mr. Shah

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 February 28, 2012, the following findings of fact and conclusions are made:

1. The applicant is Mrs. Emily O'Neill.
2. The property is commonly known as 37 Lincoln Avenue and is taxed as Block 1304 Lot 8. 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 proposes to convert a former garage to a shed in the rear of a single family residence on the property.
5. Violation of Livingston Zoning Ordinance
(a) Section 170-87I(2) that prohibits a building permit to be granted for the conversion of a garage serving a dwelling in a residence district for use as livable floor space or any other use permitted in a residence district.
6. The following persons testified at the hearing: Timothy O'Neill, spouse of the applicant.
7. The following persons objected to or expressed interest in the application at the hearing: None
8. The Board reviewed its action on October 25, 2011 for this applicant.
9. 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 unusual narrowness of the lot which makes navigating a vehicle into the garage almost impossible rendering its useless. The proposed shed will appear like a garage so the nature of the neighborhood is not impaired.

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:

A variance from Section 170-87I(2) so that a building permit for the shed can be issued and then constructed.

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 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 February 28, 2012 in which Board voted five in favor and two opposed to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:



ALAN OZAROW

Dated: March 27, 2012

Prepared by: Herbert S. Ford, Esq.