

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

Case # 2012-6-V

Motion by: Mr. Shah

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 March 27, 2012, the following findings of fact and conclusions are made:

1. The applicant is Jonathan & Allison Vogel.
2. The property is commonly known as 5 Chadwick Road and is taxed as Block 800 Lot 7. The property is in the R-2 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 an addition a single family residence on the property.
5. Violation of Livingston Zoning Ordinance
  - (a) Section 170-97C(2) Front Yard Setback (60' required, 56.57' proposed; 3.43' variance requested)
  - (b) Section 170-87E(1)(e) Accessory Structure in rear yard only, (Variance requested for shed in side yard.)
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 topography of the lot which had steep incline making location of the shed elsewhere not practical. Also the shed was not visible from the street due to the landscaping. The Board found the front yard variance to be de minimis.

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:

Front Yard Setback variance of three and forty three one hundredths feet (3.43'); and Variance to permit the shed to remain in the side yard are 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 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 March 27, 2012 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: April 24, 2012

Prepared by: Herbert S. Ford, Esq.