

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

Case # 2012-11-V

Motion by: Mr. Gillman

Second by: Mr. Nardone

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 April 24, 2012 and May 22, 2012, the following findings of fact and conclusions are made:

1. The applicant is Justin Wrobel.
2. The property is commonly known as 53 South Mitchell Avenue and is taxed as Block 3810, Lot 13. 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 construct a new single family residence.
5. Violation of Livingston Zoning Ordinance
(a) Section 170-99C(4) Rear Yard Setback (35' required, 30.47' proposed; 4.53' variance requested)
6. The following persons testified at the hearing: The applicant, Anthony Clark, AIA and at the May hearing date, Brian Conway, a landscape architect for the applicant.
7. The following persons objected to or expressed interest in the application at the hearing: At the April 2012 hearing, Jennifer Cambers of 62 Virginia Avenue complained about the lack of privacy that the new two story residence created for her adjoining lot. Dan Murphy of Wilson Terrace also complained of the negative effect of the size of the residence as did others residing on Virginia Avenue. At the May hearing, Mrs. Cambers' husband stated that he was satisfied with the proposed landscaping plan remedied their privacy issue.
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 shallowness and unusual shape 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 four and fifty three one hundredth feet (4.53');

The Board imposed a condition that no certificate of occupancy for the new residence would be issued until the landscaping per the landscaping plan was installed on the lot.

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, architectural plans and landscaping plan 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 May 22, 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:



ALAN OZAROW

Dated: June 26, 2012

Prepared by: Herbert S. Ford, Esq.