

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

Case # 2012-19-V

Motion by: Mr. Hochberg

Second by: Mr. Ozarow

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, the following findings of fact and conclusions are made:

1. The applicant is 2C Construction on behalf of Mr. & Mrs. Chasin.
2. The property is commonly known as 4 Sherwood Court and is taxed as Block 2404 Lot 38. 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 intends to construct a new deck to the rear of a single family residence.
5. Violation of Livingston Zoning Ordinance
 - (a) Section 170-97C(4)(b) Deck Height (3' allowed, 10' proposed; 7' variance requested)
 - (b) Section 170-97C(4)(a) Maximum Deck Square Feet (200 SF allowed, 1,087 SF proposed; 887 SF variance requested)
6. Stephen Geffner, Esq. represented the applicant at the hearing.
7. The following persons testified at the hearing: The applicant. Amy Chasin and Louis Salamone, AIA.
8. The following persons objected to or expressed interest in the application at the hearing: none.

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 to the topography of the lot.

Now, therefore, be it **RESOLVED** by the **ZONING BOARD OF ADJUSTMENT** of the Township of Livingston that the application herein submitted is granted for the following variances:

Deck height variance of seven feet (7'); and
Deck area variance of 864 square feet. ✓

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.

Copies of the Applicant's survey showing the proposed improvements 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 April 24, 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: May 22, 2012

Prepared by: Herbert S. Ford, Esq.