

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

Case # 2013-38-V

Motion by: Mr. Alan Ozarow

Second by: Mr. James Hochberg

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 September 17, 2013, the following findings of fact and conclusions are made:

1. The applicant is Lisa Rodriguez.
2. The property is commonly known as 12 Hawthorne Drive and is taxed as Block 1103, Lot 6. 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 arrears.
4. The applicant constructed decorative walls in the front yard of a single-family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-91B2(c) Decorative Walls over 18" Front Yard Setback – 20' required, 0' proposed; 20' variance requested
 - (b) Section 170-72C5(c) Decorative Walls over 18" Side Yard Setback – 5' required, .5' proposed; 4.5' variance requested
6. The following persons testified at the hearing: The applicant and her father, Mr. Rodriquez, who designed and constructed the walls.
7. The following persons objected to or expressed interest 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 because the lot is narrow and the applicant agreed to remove the wall along the drive way so it was at least five feet from the property line (or about fifteen feet from the curb). The Board also noted that only a small portion of the wall exceeded the maximum height due to the topography of the lot which constituted a hardship for the applicant.

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:

Decorative Wall Front Yard Setback Variance of fifteen feet (15') and
Decorative Wall Side Yard Setback Variance of four and one half feet (4.5") 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.

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 September 17, 2013 in which Board voted to seven in favor and none 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: October 22, 2013

Prepared by: HERBERT S. FORD, ESQ.