

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

Application #: 2016-2-V  
Decided: February 23, 2016  
Memorialized: April 12, 2016

**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 23, 2016, the following findings of fact and conclusions are made:

1. The applicant is David Tave.
2. The property is commonly known as 5 Plymouth Drive and is taxed as Block 3100, Lot 48. 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 proposes to construct a deck in the rear yard of a single-family residence.
5. Violations of Livingston Zoning Ordinance(s):
  - (a) Section 170-99C (4) – Rear Yard Setback – 35’ required; 23’ proposed; 12’ variance requested;
6. The following persons testified at the hearing: The Applicant.
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. 40:55D-70(c) (1) for the relief sought by demonstrating that the Applicant has a hardship due to an irregularly shaped lot.

Based upon the findings at the hearing, 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:

- (a) A Rear Yard Setback variance of twelve feet (12’) is 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.

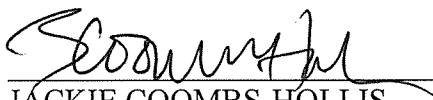
This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on February 23, 2016 in which Board voted seven in favor and none opposed to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:

  
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JAMES HOCHBERG

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Livingston on February 23, 2016 by the affirmative votes of Mr. Nardone, Mr. Vieira, Mr. Gillman, Ms. Hwang, Mr. Resnick, Mr. Dunec and Mr. Hochberg; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:

  
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JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.