

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

Application #: 2016-29-V
Decided: July 26, 2016
Memorialized: August 23, 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 July 26, 2016, the following findings of fact and conclusions are made:

1. The Applicants are Russel & Karen Barling.
2. The Property is commonly known as 19 Oakwood Avenue and is taxed as Block 2902, Lot 15. The property is in the R-3 Zone.
3. The Applicants have satisfied the statutory procedural requirements of service and publication of notice, and there are no taxes or assessments due or in arrears.
4. The Applicants propose to construct an above-ground pool in the rear yard of a single family residence.
5. Violations of Livingston Zoning Ordinances were noted:
 - (a) Section 179-96A(8)(f) Pool Side Yard Setback – 20’ required, 9’ proposed; a 11’ variance is requested.
6. The following persons testified at the hearing: The Applicants.
7. The following persons objected to or expressed interest the application at the hearing: None.
8. The Applicant agreed to move the pool to the center of the Property’s rear yard so that it would be equidistant from both sides of the Property. Based upon the relocation of the pool, it will be 14.5 feet from the left and right side yards, and will require 5.5 foot variances for each side yard. 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 the narrowness of the property.

The Board found that based upon the revised pool location, there will be no substantial 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:


- (a) Two five and one-half foot (5.5') Pool Side Yard Setback variances are granted for the left and right side yards of the property.

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 July 26, 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:



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 July 26, 2016 by the affirmative votes of Ms. Tabak Fass, Mr. Vieira, Mr. Gillman, Ms. Hwang, Mr. Resnick, Mr. Nardone and Mr. Hochberg; they being all of the Members present and eligible to vote.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.