

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

Application #: 2016-41-V  
Decided: December 13, 2016  
Memorialized: January 24, 2017

**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 December 13, 2016, the following findings of fact and conclusions are made:

1. The Applicants are: Michael and Allyson Schwartz.
2. The Property is commonly known as 18 North Baums Court and is taxed as Block 3305, Lot 2. The property is in the R-3 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 an addition to an existing single family residence. Violations of the following Livingston Zoning Ordinances were noted:
  - (a) Section 170-98C (2) – Front Yard Setback – 50 feet required; 43.2 feet proposed; a 6.8-foot variance is requested.
5. The following persons testified at the hearing: The Applicants; the Applicants' architect, Steven Schwartz, for the firm of SWS Architects.
6. The following persons objected to or expressed interest the application at the hearing: None.
7. The Applicant submitted a site plan dated 1/21/2016, prepared by SWS Architects, that was marked as Exhibit A-1. A colored photograph of the side yard of the Property was submitted and marked as Exhibit A-2.
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 the location of the house on the property. The Board found that the lot can accommodate the proposed structure.

The Board found that by granting the variance 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 variances from the Ordinance:

- (a) A six and eight-tenths foot (6.8') Front Yard Setback variance is granted.

Conditions of approval:

Removal of a nonconforming storage shed in the rear 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 December 13, 2016 in which Board voted seven in favor and none opposed to deny the application 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 December 13, 2016 by the affirmative votes of Mr. Vieira, Ms. Tabak Fass, Mr. Gilman, Ms. Hwang, Mr. Resnick, Mr. Bier and Mr. Hochberg being all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:

  
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JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.