

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

Case # 2013-53-V

Motion by: Dr. Shawn Klein

Second by: Mr. Robert Gillman

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 10, 2013, the following findings of fact and conclusions are made:

1. The applicant is Beverlee Fisher and Danial Dubinett.
2. The property is commonly known as 48 Crescent Road and is taxed as Block 4904, Lot 19. 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 an addition to a single-family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-99(c)(3) Side Yard Setback (10' required, 5.72' proposed; 4.28' variance requested)
 - (b) Section 170-99(c)(3) Aggregate Side Yard Setback (18' required, 14.18' proposed; 3.82' 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. 49:55D-70 (c)(1) and (c)(2) 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 for the zone and a usable conforming garage is better than a non-conforming garage that is too narrow for use.

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:

Side Yard Setback Variance of four and twenty eight one hundredths feet (4.28') and Aggregate Side Yard Setback Variance of three and eighty two one hundredths (3.82') 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 December 10, 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:



JAMES HOCHBERG

Dated: January 28, 2014

Prepared by: HERBERT S. FORD, ESQ.