

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

Case # 2014-32-V

Motion by: Mr. Anthony Nardone

Second by: Mr. Christopher Bardi

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 May 27, 2014, the following findings of fact and conclusions are made:

1. The applicant is Lawrence and Nicole Lynn.
2. The property is commonly known as 6 Page Place and is taxed as Block 2001, Lot 17. 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 a sports court in the rear yard of a single-family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-96A(10)(c) Sports Court Side Yard Setback – 10' required, 5' proposed, 5' variance requested; and
 - (b) Section 170-96A(10)(c) Sports Court Rear Yard Setback – 10' required, 5' proposed, 5' 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) for the relief sought by demonstrating that there is a hardship if the sports court were to comply with the setbacks because it would take up almost the entire rear yard. The Applicant agreed to provide an evergreen buffer so the court will not be visible to the neighbors.

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 with the following variances from the Ordinance:

Sports Court Side Yard Setback Variance of five (5) feet; and
Sports Court Rear Yard Setback Variance of five (5) feet are granted.

The Board imposed a condition that the applicants plant an evergreen buffer of Arborvitae trees at least six feet tall at the time of planting and planted apart so they would grow together quickly creating a buffer on each the side and rear line of the property adjacent to the proposed location of the sports court before a permit will issue for the construction of the sports court.

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 May 27, 2014 in which Board voted to six 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: June 24, 2014

Prepared by: Herbert S. Ford, Esq.