

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

Case # 2014-35-V
Motion by: Mr. Gillman
Second by: Mr. Hochberg

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 and June 24, 2014 the following findings of fact and conclusions are made:

1. The applicant is Eddie and Linda Rishty.
2. The property is commonly known as 17 Fredon Drive and is taxed as Block 3704, Lot 11. 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 raised patio between the single family residence and the swimming pool in the rear yard.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-87E Pool Accessory Structure Setback– 10' required, 4.23' proposed; 5.77' 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)(2) for the relief sought by demonstrating that the proposed addition and other changes to the residence was a better planning and zoning result than compliance with the Ordinance. The applicant has provided for the safety of users of the pool by proposing to install a 24 inch decorative fence (14ft per photo presented) to prevent the use of the patio wall as a place to jump toward the pool.

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 variance from the Ordinance:

A Pool Accessory Structure Setback variance of five and seventy seven one hundredths feet (5.77') 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.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on May 27, 2014 and June 24, 2014 in which Board voted 5 in favor and 0 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.