

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

Case # 2011-19-V

Motion by: Mr. Shah

Second by: Ms. Attridge

**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 26, 2011, the following findings of fact and conclusions are made:

1. The applicant is Matthew Lang.
2. The property is commonly known as 269 West Mount Pleasant Avenue is taxed as Block 4004 Lot 5.02. 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 install a front and side fence next to a single family residence.
5. Violation of Livingston Zoning Ordinance
  - (a) Section 170-91(B)(2)(b) Front Yard Fence Height (allowed 4 feet, proposed 6 feet, 2 foot variance requested).
  - (b) Section 170-91(B)(3)(b) Side Yard Fence Height (allowed 5 feet, proposed 6 feet, one foot variance requested).
  - (c)
6. The following persons testified at the hearing: The applicant. .
7. The Board determined that the applicant did satisfied the statutory requirements N.J.S.A. 49:55D-70 (c)(1) for the relief sought by demonstrating that an undue or exceptional hardship would be imposed upon the applicant due the location of his lot next to a commercial establishment with an active parking lot and due to the topography of his lot and was entitled to relief under applicable law.

Based upon the above findings, there will be no detriment resulting to the public good, and there will be no impairment of the zoning plan or municipal zoning ordinance, the following variance was granted. Now, therefore, be it **RESOLVED** by the ZONING BOARD OF ADJUSTMENT of the Township of Livingston that the application herein submitted is granted as follows:

Front yard fence height variance of two feet is granted, and

Side yard fence height variance of one foot is granted

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on May 26, 2011 in which Board voted with in favor to grant the application.

CHAIRMAN:

  
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ALAN OZAROW

Dated: June 28, 2011

Prepared by: Herbert S. Ford, Esq.