

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

Case # 2012-28-V

Motion by: Mr. Nardone

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 June 26, 2012 and July 24, 2012, the following findings of fact and conclusions are made:

1. The applicant is Ken and Bridgette Nevola.
2. The property is commonly known as 49 Mt. Pleasant Parkway and is taxed as Block 3814, Lot 5. 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 above ground pool in the rear of a single-family residence.
5. Violation of Livingston Zoning Ordinance
 - (a) Section 170-96A(8)(f) Swimming Pool Rear Yard Setback (20' required, 8.5' proposed; 11.5' variance requested)
 - (b) Section 170-87E(1)(b) – Accessory Setback (10' required, 8 proposed, 2' variance requested)
6. The following persons testified at the hearing: The applicants. The applicant presented three alternative plans and the Board recommended that the applicant select Plan which had a pool that was 12' by 24' which was 16' feet from the rear line and required only a four foot rear yard variance. The applicant also agreed to install landscaping as shown on its plan.
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 because of the lot was shallow by 11 'which caused a hardship related to the land.

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:

Rear Yard Pool Setback Variance of four feet (4') and an Accessory Structure Setback variance from a principal residence of two feet (2') 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 landscaping shall be installed prior to any certificate completion for the installation of the pool.

The Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on July 24, 2012 in which Board voted with seven votes cast 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:



ALAN OZAROW

Dated: July 24, 2012

Prepared by: HERBERT S. FORD, ESQ.