

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

Application #: 2016-1-V  
Decided: May 24, 2016  
Memorialized: June 28, 2016

**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 24, 2016, the following findings of fact and conclusions are made:

1. The applicant is David Swenson.
2. The property is commonly known as 17 Hearthstone Terrace is taxed as Block 600, Lot 34. The property is in the R-2 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 shed in the rear yard of a single family residence.
5. Violations of Livingston Zoning Ordinances:
  - (a) Section 170-87E (1) (e) Accessory Structure - Not permitted in a side yard; a 4.5 foot variance is 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: Neighbor - Robert Schmid, 19 Hearthstone Terrace.
8. The Applicant has satisfied the statutory requirements of N.J.S.A. 40:55D-70(c) (1) for the relief sought by demonstrating that the applicant has a hardship due to the topography of his property. The Applicant has satisfied the statutory requirements of N.J.S.A. 40:55D-70(d)(2) for the relief sought by demonstrating that the purposes of the Municipal Land Use Law (MLUL) would be advanced by the addition, and the benefits of the variance substantially outweigh any detriment.
9. The Board found that the variance can be granted without causing any substantial detriment to the public good, and will not substantially impair the intent and the purpose of the 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:

A side yard setback of 4.5' is granted for the construction of a shed in a side yard.


The conditions of this approval are that the shed is not to be used as a kennel, and the Applicant shall plant 5-7 evergreens as a buffer along the property line abutting the neighbor where the shed is to be placed.

This approval is also 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.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on May 24, 2016 in which Board voted six in favor and one opposed to approve the application in accordance with and subject to the conditions and terms set forth herein on the record.

CHAIRMAN:

  
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JAMES HOCHBERG

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Livingston on May 24, 2016 by the affirmative votes of Mr. Nardone, Mr. Vieira, Ms. Hwang, Mr. Gilman, Ms. Fass and Mr. Bier. Mr. Dunec voted against the proposed resolution. .

PLANNING ADMINISTRATOR:

  
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JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.