

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

Case # 2012-53-V

Motion by: Mr. Hochberg

Second by: Mr. Nardone

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 January 29, 2013, the following findings of fact and conclusions are made:

1. The applicant is Nan Yang.
2. The property is commonly known as 38 Ashwood Drive and is taxed as Block 1602, Lot 26. 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 addition to a single-family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-99C2 Front Yard Setback (40' required, 35.51' proposed; 4.49' variance requested)
 - (b) Section 170-99C3 Aggregate Side Yard Setback (21' required, 18.86' proposed; 2.14' variance requested)
6. The following persons testified at the hearing: The applicant and Afshan A. Vandal, AIA.
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) in that the location of the residence on the lot is a hardship related to the land and all renovations will not come any closer to the front or side yards

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:

Front Yard Setback Variance of sixteen one hundredths feet (0.16)'; and
Side Yard Aggregate Setback Variance of two and fourteen one hundredths feet
(2.14') 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 Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on January 29, 2013 in which Board voted six votes 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: February 28, 2013

Prepared by: HERBERT S. FORD, ESQ.