

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

Case # 2010-58-V

Motion by: Mr. Hochberg

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 December 14, 2010, the following findings of fact and conclusions are made:

1. The applicant is Xun Yuan Zhou and Jeiping Xu.
2. The property is commonly known as 22 Penwood Road is taxed as Block 5700 Lot 23. 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 second story addition to a single-family residence.
5. Violation of Livingston Zoning Ordinance
 - (a) Section 170-97C(2) Front Yard Setback (60' required, 48' proposed; 12' variance requested)
 - (b) Section 170-97C(3) Side Yard Setback (15' required, 14.76' proposed; .24' variance requested)
6. The following persons testified at the hearing: The applicant.
7. The following persons objected to or expressed interest in the application at the hearing: none.
8. The applicant has 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 by a denial due the unusual shape of the lot and location of the residence on the lot. The improvements are staying within the current building line and not going any further into 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 variance from the Ordinance:

Front Yard Setback variance of twelve (12') is granted; and
A Side Yard Setback variance of twenty four one hundredths feet (0.24') 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 and signed by the Chairman 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 December 14, 2010 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: January 25, 2011

Prepared by: Herbert S. Ford, Esq.