

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

Application #: 2017-59-V  
Decided: October 24, 2017  
Memorialized: November 28, 2017

Motion: Mr. Hochberg  
Second: 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 October 24, 2017, the following findings of fact and conclusions are made:

1. The Applicant is: SGID Homes LLC, a single member LLC owned by Yimin Sun and his spouse.

2. The Property is commonly known as 15 Brayton Road, and is taxed as Block 7402, Lot 1. The property is in the R-1 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 an addition to a single-family home, an accessory structure (gazebo) and a new fence. Violations of the following Livingston Zoning Ordinances were noted:

(a) Section 170-96-C(4) - Rear Yard Setback - 75 feet required, 51.6 feet proposed; a 23.4-foot variance requested;

(b) 170-91-B(4) b,c - Fence height - 72 inches allowed; 104 inches proposed; a 32-inch variance requested;

(c) Section 170-87-E(1)a - Accessory Structure Height - 13 feet allowed; 14 feet, 11 inches proposed; a 1-foot 11-inch variance requested.

5. The following persons testified at the hearings: Yimin Sun, (owner) on behalf of the Applicant. The Board heard testimony, and considered the plans submitted in conjunction with the application.

6. The following persons objected to, or expressed interest in, the application at the hearings: Todd Weinberger, 4 Devonshire Road, Livingston.

7. With regard to the Rear Yard Setback variance, the Board found that the Applicant 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 a shallow lot. The Board found that the lot can accommodate the proposed structure, and that the proposed structure will fit in with the neighborhood. The Board found that by granting the variances there will be no substantial

detriment resulting to the public good, nor will there be an impairment of the zoning plan or municipal zoning ordinance. The other two variance requests were withdrawn by the Applicant.

8. 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) A Rear Yard Setback variance of 23.4 feet is granted.

The other two variance requests were withdrawn by the Applicant.

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.

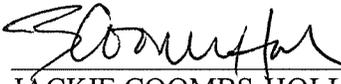
This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on June 27, 2017 in which Board voted six in favor and none opposed to approve the application.

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 October 24, 2017 by the affirmative votes of Mr. Hochberg, Mr. Bier, Ms. Tabak-Fass, Ms. Hwang, Mr. Resnick and Mr. Nardone, being all the Members present and eligible to vote.

PLANNING ADMINISTRATOR:

  
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JACKIE COOMBS-HOLLIS

Prepared by: Alan Ozarow, Esq.