

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

Case # 2010-63-V

Motion by: Mr. Shah

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 January 25, 2011, the following findings of fact and conclusions are made:

1. The applicant is Yanbin Huang.
2. The property is commonly known as 92 West McClellan Avenue and is taxed as Block 1000 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 an addition to a single-family residence that violates the front setback.
5. Violation of Livingston Zoning Ordinance  
(a) Section 170-97(c)(2) Front Yard Setback (60' required, 51.26' established setback, 48.41' proposed; 2.85' variance requested)
6. The following persons testified at the hearing: The applicant and Margaret Petersen, AIA who was admitted as an expert testified.
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)(2) for the relief sought by demonstrating that the proposed additional would be better than the resulting architectural results of complying with the ordinance which would result in a flat and uninteresting exterior façade and there was no substantial detriment to the public good by such a variance which the Board also designated as deminimis.

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 two and eighty five one hundredth (2.85') feet 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 January 25, 2011 in which Board voted with seven votes cast in favor 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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ALAN OZAROW

Dated: *March* '22, 2011

Prepared by: Herbert S. Ford, Esq.