

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

Case # 2010-29-V

Motion by: Mr. Hochberg

Second by: Mr. Silverman

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 March 22, 2011 and July 26, 2011, the following findings of fact and conclusions are made:

1. The applicant is Yuan Yang Xie.
2. The property is commonly known as 221 Hillside Avenue and is taxed as Block 5601 Lot 5. The property is in the R-3 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 arrearages.
4. The applicant proposes to renovate a barn on the property with a new single family residence.
5. Violation of Livingston Zoning Ordinance
 - (a) Section 170-87BB(3) Habitable Floor Area (3520 SF allowed, 6018 SF proposed; 1914 SF variance previously granted for residence and 584 SF for barn requested)
6. The following persons testified at the hearing: The applicant and Thomas Baio, AIA, the applicant's architect.
7. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(2) for the relief sought by demonstrating that the purposes of the zoning law would be advanced more by allowing the variance than by denying the variance in the benefits of the variance outweigh the detriments. The proposed restoration of the garage has significant benefits to the community.

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:

Habitable Floor Area variance of two thousand five hundred (2500') feet is granted.

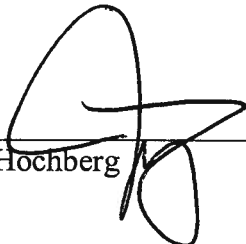
The following conditions were imposed and agreed to by the applicant. The applicant will renovate and restore the barn, install a new roof on the barn and will not install water or electric service nor use for residential purpose any portion of the barn. The renovation of the barn will be accomplished before a certificate of occupancy will be issued for the new residence on the property.

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 July 26, 2011 in which Board voted with five votes cast in favor to approve the application in accordance with and subject to the conditions and terms set forth herein on the record. Mr. Ozarow recused himself from this matter.

VICE CHAIRMAN:


James Hochberg

Dated: September 27, 2011

Prepared by: Herbert S. Ford, Esq.