

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

Case #2016-57-V

Motion to approve by: Mr. Dunec

Second to approve by: Ms. Wong
Hwang

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 April 25, 2017, the following findings of fact and conclusions are made:

1. The Applicants are Felix and Lina Kanchik.
2. The property is commonly known as **7 Cornell Drive**, Livingston, New Jersey and is taxed as Block 7500, Lot 13. The property is in the R-1 Zone.
3. The Applicants have satisfied the statutory criteria and procedural requirements of service and publication of notice, and there are no taxes or assessments due or in arrears.
4. The applicants were represented by Stephen Geffner, Esq.
 - (a) The Applicants seek variances for completed work involving the construction of a retaining wall in the rear yard of the property. The Application requests a variance from the requirements of Livingston Zoning Ordinances Section 170-72C(5) (c) Rear Yard Retaining Wall Setback: 5 Feet required, 3.1 feet proposed; 1.9 Foot variance requested.
5. Testifying on behalf of the Applicants was Felix Kanchik.
6. No members of the public appeared either in support or or opposition to the application.
7. The Applicant has satisfied the statutory criteria of N.J.S.A. 40:55D-70c(1) for the relief. The Applicant has presented proof that the subject property presents a hardship for any rear addition because of the unusual topography of the the rear

yard that slopes to the rear. The 4 foot high retaining wall with open aluminum fence on top, has limited visibility from neighboring properties. Based upon the above findings there would be no detriment or negative impact to the public welfare nor will there be an impairment of the Zone Plan or Zoning Ordinance and the benefits of the variance will outweigh any potential detriment.

NOW THEREFORE, be it RESOLVED by the Zoning Board of Adjustment of the Township of Livingston that the Application herein submitted is granted and approved subject to the following variances from the Township Ordinance:

- a) The rear yard retaining wall setback variance of 1.9 feet from the provisions of Code Section 170-72C(5)(c) is granted.

This approval is subject to all other requirements of the Township Ordinances, building codes, and the right of appeal by any interested party. As required by Livingston Ordinance 170-27(A) construction must be commenced within one (1) year of the date hereof or the variances shall expire.

This Resolution is a memorialization of the action of the Board of Adjustment of the Township of Livingston taken on April 25, 2017 in which the Board voted to approve the Application (Mr. Hochberg and Mr. Nardone voting nay) in accordance with and subject to the terms and conditions set forth herein and on the record.

CHAIRMAN:



JAMES HOCHBERG

Dated: 5/23/17

Prepared by: Richard W. Vallario, Esq.

PLANNING ADMINISTRATOR:



JACKIE COOMBS-HOLLIS