

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

Case # 2014-39-V

Motion by: Mr. James Hochberg

Second by: Mr. Christopher Bardi

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 June 24, 2014, the following findings of fact and conclusions are made:

1. The applicant is Xiaojing Tang.
2. The property is commonly known as 4 Locust Place and is taxed as Block 1001, Lot 7. The property is in the R-4 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 retaining wall in the rear yard of a single-family residence.
5. Violations of Livingston Zoning Ordinances:
 - (a) Section 170-72(C)5(c) Retaining Wall Rear Yard Setback – 5' required, 2.5' proposed; 2.5' variance requested;
6. The following persons testified at the hearing: The applicant.
7. The following persons objected to or expressed interest the application at the hearing: none.
8. The applicant has satisfied the statutory requirements of N.J.S.A. 49:55D-70 (c)(1) for the relief sought by demonstrating that there is a hardship due to the slope of the rear yard and the location of a dry well. There are no residences behind this lot as it is parkland and never will be developed for housing.

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 variances from the Ordinance:

Retaining Wall Rear Yard Setback Variance of two and five tenths (2.5') 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 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 June 24, 2014 in which Board voted to seven 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:



JAMES HOCHBERG

Dated: July 22, 2014

Prepared by: Herbert S. Ford, Esq.