

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 98, LOT 7**

WHEREAS, ROGER AND SARAH KEREN have applied to the Board of Adjustment of the Borough of Rumson for permission to convert existing unfinished second floor space above attached garage to conditioned habitable space at the existing premises located at 10 Robin Road and known as Block 98, Lot 7 on the Tax Map of the Borough of Rumson, and which premises are in the R-4 Zone; and

WHEREAS, on April 20, 2021, at a meeting of the Board, due notice having been given the adjoining property owners and published in accordance with N.J.S.A. 40:55D-12 as appears by affidavits filed with the Board, and a quorum being present, the aforementioned application was heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and the public, including Site/Architectural Plans by A. Shissias, R.A., dated 1/22/21; Current Survey by C. Surmante, P.L.S. dated 10/15/20; and Administrative Officer Data Sheet, has made the following factual findings:

1. The property is an existing two-story house with attached garage, located on an irregular 18002 s.f. lot having 144 feet frontage on Robin Road and irregular depth to a maximum of about 200 feet. The house, when constructed a number of years ago, had constructed unfinished enclosed space on the second floor above the garage. As visible from the exterior, this second-floor space appears as part of the finished house. The Applicant now seeks to convert that space to finished habitable space for use as a small home office and gym area. As noted, the Applicant is not requesting an expansion of the physical house or footprint. The Application does require variance relief for building coverage (2591 s.f. permitted, 2669 s.f. existing) and for maximum floor area under the R-4 Zone cap (3500 s.f. permitted, 3845 s.f. existing, 4271 s.f. proposed).
2. As noted, the house is presently existing, and the proposed renovation does not add onto or expand the footprint of the structure. The lot at 18002 s.f. is substantially greater in size/area than the minimum lot size/area (10000 s.f.) for the R-4 Zone. It was established that the floor area as proposed will be below the floor area ratio for the Zone, but above the cap. No neighbors or objectors appeared. The Board concluded that allowing the productive use of this existing space, when it would not require expansion of

the exterior, was appropriate, and would enhance the function and utility of the property.

WHEREAS, based upon the foregoing testimony and findings of fact, the Board finds that with respect to the specific premises the purposes of the Land Use Act would be advanced by a deviation from the Zoning Ordinance and the requirements and the benefits of this deviation would substantially outweigh any detriment; and that the relief requested by applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Rumson and to deny the application would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the applicants.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 18th day of May, 2021 that the application of ROGER AND SARAH KEREN for a variance to construct existing unfinished second floor space above attached garage to conditioned habitable space on the existing premises in accordance with the plans as agreed to and amended and the testimony and evidence presented at the hearing, be granted upon the following conditions:

1. That this variance will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.
2. All factual representations made on behalf of the applicants are incorporated herein as conditions of this variance.
3. The action of the Board of Adjustment in approving this application shall not relieve the applicants of responsibility for any damage caused by this project, nor does the Board of Adjustment or the Borough of Rumson accept or have any responsibility or liability for the structural design of the project or for any damage which may be caused by the project.
4. Prior to issuance of any Certificate of Occupancy the applicant must repair or replace any curb, sidewalk, or street pavement damaged, in the judgment of the Borough Administrative Officer, as part of or by reason of the construction of the project.
5. The following must be accomplished prior to the issuance of a development, zoning and/or building permit:
 - a. Evidence must be provided by the applicant that the permits and approvals listed in subsection 22-3.4a,4 of the Development Regulations have, where applicable, been obtained.
 - b. Taxes must be current.
 - c. If applicable, inspection fees as required by

subsection 22-3.14m and n of the Development Regulations must be paid by the applicant.

d. Insurance certificates must be provided if construction of public improvement is involved.

e. Any outstanding review fees or escrow deficiency must be paid.

f. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

Above Resolution moved by _____,
seconded by _____, and on roll call the
following vote was recorded:

In the Affirmative:

In the Negative:

Abstain:

The foregoing is a true copy of a Resolution adopted by the Board of Adjustment of the Borough of Rumson at its meeting on May 18, 2021, as copied from the Minutes of the said meeting.

DATE:

Secretary
Board of Adjustment