

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 32, LOT 2**

WHEREAS, MARY TIERNEY has applied to the Board of Adjustment of the Borough of Rumson for permission to construct renovations and additions to the existing residence including a second floor addition, one-story front and rear additions, new garage, deck, patio and swimming pool at the existing premises located at 22 Oakwood Lane and known as Block 32, Lot 2 on the Tax Map of the Borough of Rumson, and which premises are in the R-5 Zone; and

WHEREAS, on August 17, 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 P. Goodhue, R.A., Sheets A1 thru A5 dated 5/31/21; Survey by C. Surmonte, L.S. dated 10/26/20; and Administrative Officer Data Sheet, has made the following factual findings:

1. The Property is a 13904 s.f. irregular corner lot with an existing 2347 single-family house, located with about 100 feet frontage on Oakwood Lane and about 63 feet frontage on First Street and irregular in depth. The Applicant proposes to significantly renovate and expand the house by adding a second floor addition, one-story front and rear additions, a new two-story garage, deck, patio and swimming pool, all as shown on the Plans. The proposal requires several variances. The Property is currently non-conforming in maximum lot width/frontage primary (75 feet required, 63.07 feet existing) and corner lot shape (33 feet required, 0 feet existing). The new construction will increase the non-conformities in primary building front setback (35 feet required, 26.6 feet existing, 22 feet proposed); minimum and rear setback (35 feet required, 17.1 feet existing, 12 feet proposed); and maximum building coverage 2337 s.f. permitted, 1765 s.f. existing, 2453.6 s.f. proposed.
2. As noted, although the Property is significantly oversized for the R-5 Zone (8000 s.f. minimum lot area, property is 13904 s.f.), its irregular shape results in a number of non-conformities and variances required. The house has certain water and foundation damage which will be addressed as part of the renovations/additions. The Applicant and her Architect testified that that renovations and additions are appropriate to repair and restore the house, and that

improvements are compatible with the neighborhood. The lot is oversized and can accommodate the additions. The approval will be subject to a grading/drainage plan to be submitted and approved by the Borough Engineer. Also, due to the slope/grades on site, the Applicant prior to issuance of a Zoning Permit must provide to this Administrative Officer a Certification from a licensed Engineer that the basement complies with the 50% below grade requirement so as not to count in floor area. The Applicant stated the driveway behind the house will be removed.

3. One neighbor appeared in opposition and expressed concerns as to grading, drainage and possible fill on site. As noted, there will be a grading/drainage plan provided for approval by the Borough Engineer. The Architect indicated the new pool would be at existing grade, and that the existing tree off the driveway will remain. As previously noted, the Board concluded there was sufficient lot area to accommodate the proposal, and it could properly be approved.

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 21st day of September, 2021 that the Application of MARY TIERNEY for a variance to construct renovations and additions to the existing residence including a second floor addition, one-story front and rear additions, new garage, deck, patio and swimming pool 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. Subject to production of a Certification by a licensed engineer that the basement complies with the 50% below approved grade requirement so as not to constitute floor area.

e. Subject to submission to the Borough Engineer of a grading/drainage plan and approval by the engineer.

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

e. 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 September 21, 2021, as copied from the Minutes of the said meeting.

DATE:

Secretary
Board of Adjustment