

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 22, LOT 4,01**

WHEREAS, CHRISTOPHER AND KERRY MARSHALL have applied to the Board of Adjustment of the Borough of Rumson for permission to construct a new opened sided rear porch, patio, outdoor kitchen and hot tub at the existing premises located at 4 West Cherry Lane and known as Block 22, Lot 4.01 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, RA, Sheets Z1,Z2 dated 1/22/21; Current Survey by C. Bell, L.S. dated 10/16/13; and Administrative Officer Data Sheet, has made the following factual findings:

1. The property is an existing single-family house and detached garage located on a rectangular 22992 s.f. lot having 135 feet frontage on West Cherry Lane and depth of 170 feet. The house is one of the original Cherry Tree Village homes and is in good condition. The Applicant seeks to construct a new open sided rear porch, patio, outdoor kitchen, and hot tub off the rear of the house as shown on the Plans. The property is currently non-conforming in rear setback (50 feet required, 43.1 feet existing); the proposal will slightly decrease the setback to 43.0 feet. The property currently exceeds the 3500 s.f. floor area cap on the R-4 Zone (3868 s.f. existing); this is not being increased.
2. The Plans basically provide for certain rear yard amenities to provide better access and function. As noted, the only new variance is the slight decrease in rear yard setback. The property at 22922 s.f. is substantially larger than the 10000 s.f. minimum R-4 lot size, so the floor area cap exceedance can be accommodated by the larger lot. No neighbor or objectors appeared. The Board concluded the proposal can be reasonably accommodated on the site, and well enhance the appearance 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 CHRISTOPHER AND KERRY MARSHALL for a variance to construct a new open sided rear porch, patio, outdoor kitchen and hot tub 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