

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 30, LOT 11**

WHEREAS, ROBERT ACKERMAN has applied to the Board of Adjustment of the Borough of Rumson for permission to remove the existing detached garage and shed and construct a new two-story addition to the existing house and a one-car replacement garage at the existing premises located at 58 Bingham Avenue and known as Block 30, Lot 11 on the Tax Map of the Borough of Rumson, and which premises are in the R-5 Zone; and

WHEREAS, on July 20, 2021 and 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 a Plot Plan b D. Chelland, P.E., 1 Sheet dated 3/25/21, Revised 7/29/21; Architectural Plans by R. Tokarski, R.A., 3 Sheets A1, A2, A3 dated 3/9/21, Revised 7/27/21, and Administrative Officer Data Sheet (Revised), has made the following factual findings:

1. The Property is an existing single-family house and detached garage and shed, located on a corner lot having 66 feet frontage on Bingham Avenue and secondary frontage on Church Street. The Applicant initially proposed on the Plans submitted for the July hearing to remove the existing garage (in poor condition) and shed and construct a new two-story addition to the existing house. The property is currently non-conforming in primary lot width/frontage (75 feet required, 66 feet existing), corner lot shape (33 feet required, 3.5 feet existing), and driveway width permitted not serving a garage (12 feet maximum, 17 feet existing). The existing house is also currently non-conforming in primary front setback (35 feet required, 18.5 feet existing), porch front setback (30 feet required, 13 feet existing), and secondary building front setback (35 feet required, 6.8 feet existing). The Applicant's initial Application also proposed to remove the existing garage and not replace same; requiring a variance for no garage/not replacing the garage.
2. At the initial July 20, 2021 hearing, the Applicant through its architect witness presented its position that the existing garage/shed were in poor condition and could not be replaced with a new garage, as required by the Ordinance, due to the shape of the lot and location of the house did not provide a suitable location. The other non-conformities, it was asserted were pre-existing and could not be changed or

eliminated. Upon Board inquiry and comment, the facts indicated that the lot size was adequate to replace and include a garage and there was insufficient basis presented for that variance. The Applicant requested a continuance to the August meeting to consider submission of revised Plans; that request was granted.

3. The Applicant timely submitted the Revised Plot Plan and Revised Architectural Plans for consideration at the continued August hearing. The Revised Plans basically incorporated a one-car garage as part of a proposed new two-story addition, without requiring any new or additional variances. No objectors appeared. The earlier requested variance request to not have a garage was withdrawn.
4. The Application as revised can property be approved. The existing variances/non-conformities cannot be eliminated. The proposed renovation/addition will enhance the appearance and utility of the property and is compatible with the neighborhood.

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 ROBERT ACKERMAN for a variance to remove the existing detached garage and shed and construct a new two-story addition to the existing house and a one-car replacement garage 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. 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