

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 131, LOT 1**

WHEREAS, JULIAN PETRELLA have applied to the Board of Adjustment of the Borough of Rumson for permission to construct a new second-floor hallway addition to connect existing second-floor areas and a bathroom at the existing premises located at 75 Rumson Road and known as Block 131, Lot 1 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., Sheets Z1, Z2, Z3 dated 3/2/21; Survey by M. Cifone, L.S. dated 9/4/20; and Administrative Officer Data Sheet, has made the following factual findings:

1. The property is an existing single-family house with attached garage and a detached shed. The property has substantial size (32553 s.f.) and is located at the corner of Rumson Road (174 feet frontage) and Avenue of Two Rivers (205 feet frontage). The house was originally constructed in 1938, with a few limited additions. As detailed by the Applicant's architect, the house layout is somewhat unusual as the second-floor wing over the garage is not directly connected to the second-floor over the main portion of the house. The Applicant proposes to construct a second-floor hallway/bathroom addition (approximately 132 s.f.) to connect those two second-floor areas, so as to make the house more functional. Variance relief is required for rear setback (40 feet required, 4.2 feet existing, 28.3 feet to proposed addition); detached accessory shed side setback (5 feet required, 3.9 feet existing); maximum lot coverage (8288 s.f. permitted, 8596 s.f. proposed and existing) and maximum floor area (3500 s.f. permitted under R-4 cap, 4182 s.f. existing, 4314 s.f. proposed).
2. As detailed by the Applicant's architect, the existing house has an awkward layout with no direct connection between the second-floor wings. The Applicant's proposed hallway connection will enhance the function and utility of the house and ease access between the second-floor bedrooms. The renovation will allow a reasonable update of the layout while allowing the continued preservation and use of this older

house.

3. With regard to the floor area overage, the lot is 32553 s.f. in size/area, which is substantially greater than the R-4 minimum lot size (10000 s.f.). The floor area is within the floor area ratio, but exceeds the 3500 s.f. cap. The three other corners at the intersection of Rumson Road /Avenue of Two Rivers) are either R-1 or R-2, and have similar sized houses on similar size lots. No neighbors or objectors appeared. On balance, the Board concluded the renovations would substantially enhance the function and utility of the house with a minimal exterior expansion. There was concern noted that if there was any material change requested to the exterior due to CO requirements for stairs or accessways to the second-floor over the garage, the Applicant would have to present those changes to the Board for reapproval.

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 JULIAN PETRELLA for a variance to construct a new second-floor hallway addition to connect existing second-floor areas and a bathroom 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.

6. If any material change to the exterior is required to meet CO requirements, the Applicant will be required to present those changes to the Board for reapproval.

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