

RESOLUTION
July 20, 2021

Coady Lawes
32 Holly Street
(Block 69, Lot 8, R-5 Zone)

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 69, LOT 8**

WHEREAS, COADY LAWES has applied to the Board of Adjustment of the Borough of Rumson for permission to raze an existing one-story rear entry addition, existing detached garage and driveway and construct on the existing house a new two-story rear addition, driveway, fence, patio and shed at the existing premises located at 32 Holly Street and known as Block 69, Lot 8 on the Tax Map of the Borough of Rumson, and which premises are in the R-5 Zone; and

WHEREAS, on June 15, 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 an existing Survey by C. Surmonte, P.E.; Site/Architectural Plans by A. Shissias, R.A., Sheets Z1, Z2, Z3, all dated 5/27/2021, and Administrative Officer Data Sheet, has made the following factual findings:

1. The property is an existing older 1207 s.f. single-family house with a detached garage located on an undersized (4774 s.f.) irregular corner lot having approximately 52.8 feet frontage on Holly Street and 122 feet secondary frontage on Cedar Avenue. The lot is irregular as it tapers down to approximately 25 feet width at its rear boundary. The Applicant proposes to remove the existing rear small entry addition, the existing garage structure and driveway and construct and add in their stead a new rear two-story addition, driveway, fence, patio and shed --- all as shown on the Plans. Variance relief is required as the property is currently non-conforming as follows: minimum lot area (8000 s.f. required, 4774 s.f. existing); primary lot width/frontage (75 feet required, 53.82 feet existing); corner lot shape (33 feet required, 3.5 feet existing. The residence is currently non-conforming in primary front setback (35 feet required, 23.6 feet existing); front porch setback (30 feet required, 7.4 feet existing). The new construction will create non-conformities as follows: accessory building (shed) side yard setback (5 feet required, 1.8 feet proposed); driveway width (no garage) (12 feet wide, 20 feet proposed), and removal of existing detached garage without providing a replacement garage.
2. As noted, the lot is an irregularly shaped corner lot that is significantly undersized, with an existing older house and detached garage thereon. The property is in an established

neighborhood of similarly sized houses and lots, and there is no adjacent property available to expand the lot. The existing detached garage is in poor condition and is poorly located in the middle of the lot, limiting effective use of the backyard.

3. The Applicant's presentation through the testimony of the property owner and the Architect was that the house required renovation and updating, and that a modest expansion to the rear was warranted. The limited lot size and its shape made bulk variances necessary for such reasonable renovation. The proposal remained within lot coverage, building coverage, and floor area limitations. No neighbor or objectors appeared. The main focus of the variances requested was the elimination and non-replacement of the garage. The testimony established that the shape and size of the lot made replacement of the garage not appropriate or beneficial, as it would place an additional structure on the small lot in a detrimental location.
4. The Board after review concluded that the proposal as submitted would enhance the appearance and utility of the property, without any substantial detriment to the neighborhood or zoning scheme. The need for the variances is driven by the limited size and irregular shape of the lot, which cannot be changed.

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 20th day of July, 2021 that the Application of COADY LAWES for a variance to raze an existing one-story rear entry addition, existing detached garage and driveway and construct on the existing house a new two-story rear addition, driveway, fence, patio and shed 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 July 20, 2021, as copied from the Minutes of the said meeting.

DATE: July 20, 2021

Secretary
Board of Adjustment