

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 63, LOT 10**

WHEREAS, Charles Fine has applied to the Board of Adjustment of the Borough of Rumson to raze the existing single family home and construct a new single family house on the existing foundation with a new porch and rear deck with pergola as shown on the Plans at the existing premises located at 82 Black Point Road, known as Block 63, Lot 10 on the Tax Map of the Borough of Rumson, and which premises are in the R6 Zone; and

WHEREAS, on September 27, 2023, 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 A1, A2, dated May 12, 2023; Survey by L. Kalieta dated April 12, 2010; and Zoning Officer Memo dated June 8, 2023, has made the following findings:

1. The property is an existing single family house with a detached garage, located on a slightly irregular 9,463 s.f. Lot having 86.12 feet frontage on Black Point Road and irregular depth of 102.35 feet to 134.23 feet. The applicant proposes to raze the existing house down to the foundation, and then construct a new slightly larger single family house (increasing Floor Area from 2,558 s.f. to 2,830 s.f.) on the existing foundation, with a new front porch and rear deck with pergola. The existing house has an existing non-conformity for combined side yard setback (19.8 feet existing, 25 feet required). As the applicant is proposed to construct on the existing foundation, the request is for Variance relief for that combined side yard setback deficiency. There are no other nonconformities. No neighbor or objectors appeared.
2. The testimony by the Architect and applicant established a valid basis to raze the existing house and reconstruct a

slightly larger new house, with modest additions, on the existing foundation as shown on the Plans. The Lot is oversized for the R6 Zone (9,463 s.f., whereas 5,000 s.f. required) so the proposed new house can be properly accommodated. The testimony established a reasonable basis for reconstructing the new house on the existing foundation, while adding a two concrete block foundation expansion on top of the existing block foundation. The combined setback deficiency is relatively minimal, the property is reasonably landscaped and no objectors appeared. The proposed new house will enhance the appearance and utility of the property, with no detriment to the neighborhood or Zone Plan.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 26th day of October 2023 that the portion of the Application of Charles Fine to raze the existing single family home and construct a new single family house on the existing foundation with a new porch and rear deck with pergola as shown on the Plans in accordance with the Plans 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. 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 October 26, 2023, as copied from the Minutes of said meeting.

DATE: October 26, 2023

Secretary
Board of Adjustment