

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 26, LOT 14**

WHEREAS, Marc Guss has applied to the Board of Adjustment of the Borough of Rumson for permission to construct and add an 8' by 6' enclosed entryway at the front door at the existing premises located at 16 Church Street, known as Block 26, Lot 14 on the Tax Map of the Borough of Rumson, and which premises are in the R-5 Zone; and

WHEREAS, on July 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 a Survey dated February 21, 2022 by Lakeland Surveying and Site/Architectural Plans, Sheet Z1 dated June 5, 2023 by A. Shissias, R.A.

1. The property is an existing single family house, located on 4,000 s.f. corner Lot having 50 feet frontage on Church Street and 80 feet secondary frontage/depth on Second Street. The property/house was granted Approval by the Zoning Board in September 2022 for a second story addition and a front porch pergola, with a number of "C" Variances being approved due to the Lot being undersized (4,000 s.f. with 5,000 s.f. required), and the additions were constructed. However, due to the undersized Lot and front setback being only 13 feet, the existing front door on the house opens very close to the public sidewalk on Church Street. The applicant now seeks to add an 8 foot by 6 foot enclosed entryway at the front door so as to create a small vestibule for privacy and better weather protection for entry to the house. The Application results in the following additional nonconformities for which Variances are required: minimum front yard setback (Church Street) (35 feet required, 14 feet existing, 9 feet proposed), maximum building coverage (932 s.f. permitted, 1,194 s.f. existing, 1,246 s.f. proposed), and maximum habitable floor area (1,600 s.f. permitted, 1,970 s.f. existing, 2,012 s.f. proposed - "D" Variance).
2. The applicant and architect testified as to the issues and detriments to privacy arising from the existing layout of the front door opening immediately at the

public sidewalk. The testimony was that these issues could best be remediated by constructing the proposed 8' by 6' enclosed entry vestibule as proposed. The testimony indicated the proposed setback would be similar and compatible with the adjacent house on Church Street and also the house across the street. The house presently has an approved pergola along part of its Church Street front and this new entryway would align with that existing pergola. No neighbors or objectors appeared.

3. The Board concluded this small addition could be approved as its benefits to privacy and appearance outweigh any detriments arising from the increased front setback deficiency and floor area/coverage. The proposal will enhance the appearance and utility of the house and may properly be approved.

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 24th day of August, 2023 that the application of Marc Guss to the Board of Adjustment of the Borough of Rumson for permission to construct and add an 8' by 6' enclosed entryway at the front door 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. The plantings as shown in the landscape plan to screen the court must be in place to the satisfaction of the Administrative Officer.
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 Mr. Izzo, seconded by Mr. Hawley, and on roll call the following vote was recorded:

In the Affirmative: Mr. Hofferber, Mr. Izzo, Mr. Carey, Mr. Calder, Mr. Ehrenberg, Mr. Hawley, Chairman Torcivia

In the Negative: None

Abstain: Mrs. Mayo, Mr. Ward

The foregoing is a true copy of a Resolution adopted by the Board of Adjustment of the Borough of Rumson at its meeting on August 24, 2023, as copied from the Minutes of said meeting.

DATE: August 24, 2023

Secretary
Board of Adjustment