

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 10, LOT 7**

WHEREAS, Breckenridge Development Group LLC has applied to the Board of Adjustment of the Borough of Rumson for permission to retain the existing swimming pool during the demolition of the existing house and construction of a new conforming house at the existing premises located at 17 Bingham Avenue and known as Block 10 Lot 7 on the Tax Map of the Borough of Rumson, located in the R-4 Zone; and

WHEREAS, on June 20, 2006 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, including a survey by R. Van Huss dated 11/7/05, a site plan Sheet L1 dated 4/3/06 by S. Krog, landscape architect, and architectural plans by Anderson Campanella, Sheets A100, A102, A103, A201, A202, G101, has made the following factual findings:

1. The property is an existing house, located on .413 acre rectangular lot having 100 feet frontage on Bingham Avenue and depth of 180 feet. The applicant proposes to raze the existing house and construct a new house conforming in all particulars. The applicant is only before the Board because it wishes to retain the existing swimming pool and variance relief is temporarily required for an accessory structure without a principal structure for the period during demolition/construction.

2. The situation is temporary and will not adversely impact the surrounding area. The applicant offered to post a \$7500 bond or cash guarantee with the Borough, to provide that if the house reconstruction is not completed within 1 year (June 30, 2007) the Borough in its discretion may use the bond/cash to demolish and remove the non-conforming accessory pool. With that, the temporary variance may be granted.

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 July, 2006 that the application of Breckenridge Development Group LLC for a variance to retain the existing swimming pool during the demolition of the existing house and construction of a new conforming house on the existing residence 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. The following must be accomplished prior to the issuance of a 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. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

d. The applicant must post a bond or cash of \$7500 to provide security for the timely completion of the house reconstruction and removal of the temporary variance. If the house reconstruction is not complete by 6/30/07, the Borough in its discretion may use the bond/cash to demolish and remove the pool so as to terminate the temporary variance.

Above Resolution moved by *MR. PARTON*
seconded by *MRS. MCCARTHY*, and on roll call the
following vote was recorded:

In the Affirmative: *CONKLIN, DICGUIRE, BROWN, BRODSKY, PARTON,*
MC CARTHY, KNIESKE

In the Negative: *NONE*

Abstain: *NONE*

The foregoing is a true copy of a Resolution adopted by the Board of Adjustment of the Borough of Rumson at its meeting on June 20, 2006, as copied from the Minutes of the said meeting.

DATE: JUNE 20, 2006

Fredrick J. Amato
Secretary
Board of Adjustment