

RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 139, LOT 29

WHEREAS, Richard and Melanie Bruce applied to the Board of Adjustment of the Borough of Rumson for permission to construct a deck on the rear of their existing residence at 91 South Ward Avenue, Rumson, New Jersey and known as Block 139 Lot 29 on the Tax Map of the Borough of Rumson, and which premises are in the R-5 Zone; and

WHEREAS, on July 19, 1994 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 the testimony of the applicant and a survey by Thomas Santry dated 2/28/92 with the deck sketched and construction drawing, has made the following factual findings:

1. The subject premises is an existing single family residence, having 50 feet frontage on South Ward Avenue and 143 feet depth. The applicant proposes to replace an existing rotting wood deck, located in the rear westerly side of the house, with a new deck. The applicant proposes to slightly expand the deck so as to square it off evenly with the side of the residence. The existing side of the dwelling is 5 feet from the sideyard with Lot 30, where 7 feet is required. Therefore a variance is required for this slight expansion of the deck.
2. The new deck will be an upgrade of the structure. The existing side of the dwelling is 5 feet so this is not an increase in this nonconformity. The adjoining owner of Lot 30 did not object and there is adequate screening and landscaping.

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 16 day of August, 1994 that the application of Richard and Melanie Bruce for a variance to construct a deck at 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 of the Borough of Rumson accept any responsibility for the structural design of the proposed or for any damage which may be caused by the project.

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 _____, 1994, as copied from the Minutes of the said meeting.

DATE: _____

Secretary
Board of Adjustment