

CITY OF BLOOMINGTON
ADMINISTRATIVE HEARING MINUTES
7/5/16

Staff Present: Dave Ornstein, serving as Hearing Examiner
Mike Hiller, Office Assistant
Nick Johnson, Planner

Others Present: John Rudd, applicant (141 East 105th Street Circle)
Marilyn Rudd (141 East 105th Street Circle)

Item 4: **Case:** PL2016-103
 Applicant: John Rudd
 Location: 141 East 105th Street Circle
 Request: Variance to reduce the required rear yard setback from 30 feet to 20.4 feet for a porch addition

Dave Ornstein called the hearing to order at 1:45 p.m. on July 5, 2016. He explained this was a hearing for a variance to reduce the required rear yard setback from 30 feet to 20.4 feet for a porch addition at 141 East 105th Street Circle.

Ornstein stated he received copies of the materials included in Case File PL2016-103 including the application, applicant's letter, diagram, receipt of \$220, certificate of survey, building elevations, site plan, signed consent forms, project description, notification map and labels, notice of public hearing, publication verified and the planning staff report provided by staff.

Ornstein asked if staff or the applicant representatives have anything to add into the record. Johnson stated he received a phone call with regard to this case suggesting the applicant purchase land from the property owner to the south which would increase his back yard setback and a variance would not be necessary. John Rudd responded saying the property owner to the south has no interest in selling him a portion of his lot.

Ornstein stated he conducted a site visit on July 5, 2016. Ornstein asked the applicant representative if he has read the recommended condition of approval included in the staff report and if he has any objection to the condition listed in the staff report. Rudd stated he has read the recommended condition and has no objection to the condition.

The Hearing Examiner stated he has reviewed the materials and testimony and believes the required findings can be made and is recommending City Council approval of a variance to reduce the required rear yard setback from 30 feet to 20.4 feet for a porch addition subject to the condition of approval listed in the staff report.

The meeting adjourned at 1:55 p.m.

RECOMMENDATION

In Case PL2016-103 having been able to make the required findings, I recommend City Council approve a variance to reduce the required rear yard setback from 30 feet to 20.4 feet for a porch addition at 141 East 105th Street Circle subject for the following reasons:

1. The rear yard setback variance is only applicable to the encroachment of the planned porch addition as shown on the plans in Case File PL2016-103.

Prepared By: MH **Reviewed By:** NJ