

## MEMORANDUM

**TO:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development

**DATE:** April 29, 2004

**SUBJECT: Edson Alley Vacation – Response to Comments**

In response to the concerns raised by Trustee Tross relative to the requested vacation of the twenty foot wide alley between Edson and Brewster, staff offers the following comments.

The plat of vacation of the proposed alley prepared by Gentile and Associates is intended to be a document legally describing the vacation of the public right of way. As is the case with Plats of Subdivision, Plats of Vacation do not denote existing structures or improvements on properties – those items would be contained on an Alta Survey. Thus, the work completed by Gentile is correct in every aspect.

The issue of the house encroachment into the right of way was identified by staff in review of the house addition plans for the property at 443 S. Edson Avenue last fall. The property owner was looking to construct a second story addition to their existing house that was constructed in the 1920s. The addition would be located within the requisite six-foot interior side yard setback. In review of their submitted existing Plat of Survey, the exterior foundation wall slightly encroached into the public right of way. As this portion of the building is not owned by the property owner of 443 S. Edson, he would be unable to receive zoning relief for his proposed addition. Staff did note in the correspondence to the Board that there was an encroachment into the public right-of-way.

Staff noted to the petitioner that as his lot is only forty feet wide, he would also need to seek relief for the lot width as well. As a way to address both concerns, staff suggested to the petitioner that he could petition the Village to vacate the alley. Should this action occur, the alley would be evenly divided between the property owners. From the property owner's perspective, the vacation would allow him to construct his proposed addition without having to apply for zoning relief. Moreover, by consolidating the north portion of the vacated alley into the petitioner's property, they property would be fifty feet wide and would then be over the eighty percent of minimum lot width threshold requirement of sixty feet for the development of an R2 single-family residence.

Staff also recognized that the alley serves a pedestrian access and public utility function for the neighborhood and staff is suggesting that an easement for public access and public utilities be granted over the vacated alley as well. The public access easement would preclude the opportunity to place a fence or shed on it. Pursuant to Trustee Tross's comment that a specific condition indicating that a fence or shed could not be constructed within the easement a specific condition would be recorded as part of that easement.

Staff brought the alley vacation request for the west half of the alley forward at this time as the property owner is looking to start construction immediately on his addition, should the vacation be approved. The property owner at 443 S. Edson is paying the costs for the plat of vacation and lot consolidation.

With respect to the properties at 442 and 500 South Brewster, the Village has prepared correspondence to those property owners seeking their input as to whether they would also like to see their respective portions of the alley vacated as well. Staff agrees that should the western half of the alley should be vacated and a similar arrangement should be considered for the eastern half of the alley. Staff notes that the property at 442 South Brewster could benefit from the vacation (as their lot is 47 feet wide and the vacation would provide them with a lot width of 57 feet), the lot at 500 South Brewster is 52 feet wide and is already a buildable lot of record.

However, we are unsure at this time as to whether the property owners at 442 and 500 S. Brewster will concur in such a vacation. The Barowski family indicated via a telephone communiqué that they are interested in the alley vacation. The Egan family could not be contacted by telephone. As with the west half of the alley, we would request that the Brewster owners pay the vacation plat costs and the companion plat of consolidation costs.

DAH:jd

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