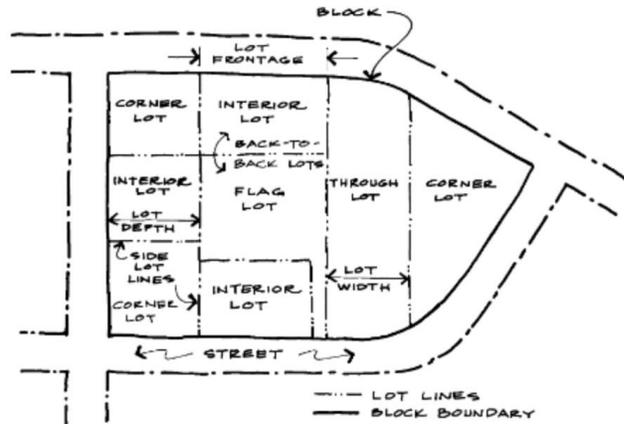


The surveys were evaluated by City staff to determine if a right of way could be included as part of the minor subdivision under the current Code standards. The following evaluations were conducted to determine if there is adequate room on the site to accommodate a dedicated right of way. Evaluations focused on the survey showing the narrower, conceptual 40-foot right of way (ROW) alignment. The purpose of the evaluation is to determine if the ROW can be reserved while allowing the remaining lot area to comply with R-2 Zone dimensional requirements. The survey (see image) shows a portion of the 40-foot ROW that would intersect with Pilottown Rd. to be used for a possible road serving the proposed dwellings on parcel 335-4.00-15.00. The ROW would run between the Fishers Paradise house and the adjacent residential lot. The ROW includes a 10-foot radius at the proposed intersection, it then runs across the parcel parallel to the shared property line. The survey includes a note that states the resulting lot width of 71.44 feet would not conform to the 75-foot minimum lot width at the front yard setback line. If that were the only issue it may be possible to meet the minimum lot width by bending the ROW, instead of running parallel, as it approaches the front yard setback to allow for the extra 3.56 feet for minimum lot width.

Although it might be possible to meet the required lot width requirement for the R-2 zone another zoning requirement was evaluated as part of the code conformance evaluation. As noted in the zoning ordinance definitions section a lot that is adjacent to 2 intersecting roads is categorized as a “corner lot” (see image below).

LOT FRONTAGE

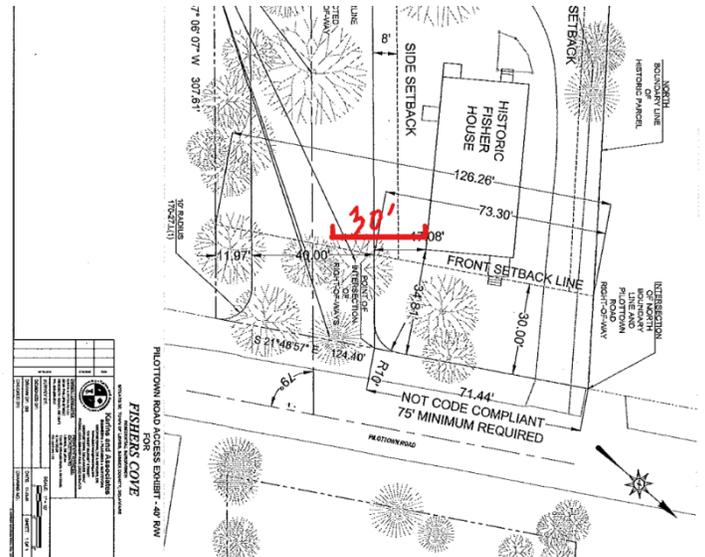
The length of front lot line measured at the street right-of-way line.



Section 197-53 A further states:

In the case of a corner lot, a front yard, as provided for in each district, shall be required on each street on which a corner lot abuts, provided that, when one front lot line of said corner lot measures less than 65 feet and said corner lot is located in one of the following districts: the Residential Low-Density, Residential Low-Density (Historic) [R-2 and R-2(H)], Residential Beach, Residential Beach (Historic) [R-3 and R-3(H)], Residential Medium-Density, Residential Medium-Density (Historic) [R-4 and R-4(H)], Limited Commercial, and Limited Commercial (Historic) [LC and LC(H)], the front yard on the side of the corner lot with a front lot line measuring longer than 65 feet may be decreased to not less than the minimum side yard requirements.

Based on these code provisions the addition of a public road to connect with Pilottown Rd. as part of the minor subdivision would make this a corner lot requiring 2 front yard setbacks of 30 feet between the parcel line and the structure. As such the 8-foot side yard setback shown on the survey would need to be changed to a 30-foot front yard setback.



Using the provided survey (see image) a 30 foot front yard setback would mean that the proposed ROW would need to shift away from the house by an additional 12.92 feet, in addition to the 17.08 feet (the current separation shown on the survey). As noted on the survey there is only 11.97 feet between the ROW and the adjacent shared property line which means there is not enough room for a 30-foot front yard setback.

According to this analysis, using the information provided in the survey, it would appear that a 40-foot or 50-foot ROW could not be incorporated into the lot since it would not be possible to meet the required front yard requirements for the R-2 Zone.

Charlie O’Donnell - GMB consideration

We concur with your evaluation of the Fishers House minor subdivision issue regarding a 40’ or 50’ ROW for an access road to Pilottown Road. The creation of a corner lot by accommodating an entrance street to the Fishers Cove site presents the front yard setback challenges you describe and conclude cannot be addressed while meeting the requirements for a 30’ front yard setback. Also, as you note, the City Code Section 170-27 I (1) requires a 10’ minimum ROW radius thus that radius cannot be eliminated from the design. To emphasize, you make an important point that any street ROW within the Fishers House property must adequately address impacts to the adjacent parcel – Tax Map 335-4.00 Parcel 15.01. Finally, we believe the original 20’ easement with emergency access road, walkway and potential utilities, would fit given the corner lot and its front yard setback requirements on two (2) sides. My only thought on that is whether the Fishers House parcel would be considered a “corner lot” since that 20’ is an easement and not a ROW.