

Testimony of Mr. Rathje, representing “Nelson Meadow” petitioner  
Transcribed from tape of Plan Commission hearing, December 12, 2005  
Starting approximately 17 minutes into the second tape

The question of street right-of-way: As we noted before, we have eliminated the previously-suggested variation for the north half of Jefferson – even though we believe that if you take a look at the overall surrounding neighborhood all the streets in the area are on a 66-foot right-of-way, or where there is only a half street on a 33-foot right of way. In this case there was a departure in 1973 from that 66-foot cross-section where Spohn dedicated a 35-foot half street, and we are happy to dedicate this 35 feet.

However with respect to Carpenter and Brookbank and Nelson, we approached the question of roadway improvements taking a careful consideration as to the trend of development in the area, what the Public Works Department staff was looking for, and we believe that we have come up with a plan that has consistent right-of-ways with respect to Carpenter (everything else up and down is 66 feet or 33-foot half-street).

With respect to Brookbank we are finishing the east half of the right-of-way north of Jefferson. There is still a half-street right-of-way only for Brookbank south of Jefferson which is also unimproved.

There was representation in the staff report of 9/7 and in the revised 9/12 on page 2 under the heading, “Proposed Plat of Subdivision/Yards and Setbacks,” fifth, six, and seventh sentences, which read, “no lot dimension exceptions are required. However, if the right-of-way width exceptions are not granted, Lots 1, 2, 3, 5, 6, 7, 9, and 10 would not meet the minimum lot-depth (140 feet) requirements. Variations for any future structures should not be required as they can be designed to address minimum applicable setbacks.”

I don’t know whether this was meant to give the impression that without the right-of-way exceptions we would have a lot of lot-depth problems, but that is just not a fair statement and not the case.

If you take the total land area which is devoted to, which would accrue to the subdivision which is not being dedicated – two feet along the west side of Carpenter, two feet along the east side of Brookbank, and two feet and two feet along that short stem of Nelson

north of Jefferson and south of the cul-de-sac bulb – we are dealing with total of 1,504 square feet. This is a very small amount of land when you take into account that the amount of excess land in eight out of the eleven lots, the excess land above the 10,500 square-foot minimum is about 53,010 square feet. We have some significantly-oversized lots. Now the 1,504 square feet is about 2.6-2.8% of the total excess land that we have.

I am not going through the whole dimensional issue but if you just take a look at the plan for the subdivision, the large center lot (I believe it is Lot 6) has some significant additional dimension. I have quizzed Mr. Hartjes our engineer on this several times, and he has done preliminary calculations, and even if the right-of-way exceptions were not granted, we are not looking at a bunch of lots that could not meet minimum lot-depth requirements.

But to go on just a little bit and point out that even if some lot-depth exceptions would be required, that would not be a precedential action of having lot-dimensional exceptions in this area. On the south side of Jefferson in the area east of Brookbank in Spohn's Third Subdivision (also zoned R3, also with minimum lot-width requirements of 75 feet) Lots 1, 2, 3, and 4 each have lot widths of 66 feet which is a nine-foot variation or 12%. Lot 5 has a width variance of 67.76 feet or lot-width variance of 7.24 feet or 9.65%.

Additionally the Spohn subdivision was not required to dedicate the east half of Brookbank. If you add all those dimensions together, a total dimensional variation of 79.24 feet were granted, lot width variations and right-of-way not being required to be dedicated. That's wider than one R3 lot. So we are not looking for any departures, and we have conditions in the neighborhood that are not 100% on-the-spot R3.

So I just want to point out that may have been a misfortunate, misleading type of statement, but those right-of-way exceptions are not depth-essential, however in all fairness we proceeded and spent a lot of money and a lot of effort on the design based on the support we received from staff that they would like to see consistency with a right-of-way of 66 feet.

- Respectfully submitted on behalf of the Jefferson Avenue Neighbors  
by John Schofield, 1/18/2006; Updated 1/20/2006