

February 22, 2002

To the Public Improvements Committee

Subject: Common Council Resolution File Number 011111

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 011111, being a request by Ms. Heather Maki for an amendment to a special privilege granted to permit the building located at 2400 South 5<sup>th</sup> Place to encroach approximately 0.8 feet (9 ½ inches) into the 15-foot wide south sidewalk area of West Hayes Avenue, east of South 5<sup>th</sup> Place.

The original special privilege, Common Council Resolution File Number 83964, was adopted on March 18, 1946 and subsequently amended by Common Council Resolution File Number 83964a and Common Council Resolution File Number 62-3635 as ownerships changed. There was one ownership prior to the current one that was directed to apply for an amendment although they never followed through prior to selling the property so that never occurred. We are, therefore, thankful that Ms. Maki has cooperated. The special privilege granted permission to permit a portion of the building located at 2400 South 5<sup>th</sup> Place to encroach into the south side of West Hayes Avenue, east of South 5<sup>th</sup> Place, approximately 0.8 feet (9 ½ inches), “for the remaining life of the building.”

The present request is to change the name of the grantee of the special privilege to Ms. Heather Maki, being the current owner of the property, for the continued presence of the building in the public right-of-way.

A field viewing of the building revealed that there is an enclosed stairway leading to the basement that encroaches into West Hayes Avenue. Open stairwells, provided they are safeguarded by railings are permitted to encroach (Sec. 115-31); however, enclosed structures have required a special privilege in order to be created or remain. A copy of a 1946 survey in our files indicates a “cellar entrance”, without reference to it being enclosed. Also, on the West Hayes Avenue side of the property there is a solid board fence and a set of concrete steps that encroaches. In order to remain in the right-of-way, they require special privilege approval.

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It does not appear that the use and maintenance of the building or the other items has had an adverse effect upon the public right-of-way in this area. We have, therefore, prepared the attached resolution which, if adopted, would change the name of the grantee of the special privilege and continue to allow all of these items to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Mariano A. Schifalacqua  
Commissioner of Public Works

Martin G. Collins  
Commissioner  
Department of Neighborhood

Services  
JJM:cjt  
Attachment