

February 13, 2004

To the Public Improvements Committee

Subject: Common Council Resolution File Number 031292

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 031292, being a petition submitted by Patton Funeral Services, LLC for use of the public right-of-way to keep a covered walk on the west side of North Teutonia Avenue adjacent to the property at 2535 North Teutonia Avenue being a funeral home. The structure was discovered to be in place and then the owner was contacted and decided to request formal approval.

The applicant's request is to keep and maintain a 7.5-foot wide covered walk projecting approximately 6 feet 10 inches into the 8-foot wide public sidewalk area. The vertical supports are to be approximately 1 foot 6 inches west of the present curbline and the covered walk is centered on a door that is located approximately 260 feet north of the northline of West Wright Street. The policy resolution, Common Council Resolution File Number 62-1211-a, adopted on July 24, 1962, regarding covered walls requires that "the minimum vertical clearance over the sidewalk shall be no less than 8 feet." Our measurement revealed only 7.4 feet.

It does not appear that the present covering can be altered to achieve the 8-foot requirement. Therefore, as we have done in the past, we will allow the present covering to remain; however, when the present cover needs to be replaced, the next cover will be required to provide the 8 feet. In addition, we note that the present lettering and logo is larger than the 8 inches dictated by Section 245-13. This has generally not been a problem in the past, even if it was for a proposed structure or an existing structure. We have, however, indicated the allowable size (existing or proposed) in the resolution in order that the public record recognizes the size.

Our field investigation also revealed that the building at 2535 North Teutonia Avenue has two externally swinging doors. The main door is recessed sufficiently so that when fully open, it does not encroach more than the 12 inches allowable; however, the other door, which perhaps leads to an apartment on the second floor, is 3-foot wide and is

only recessed 0.3-feet. It is the outer door. The inner door swings inward. Permission for this encroachment to continue will be included in the special privilege.

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We are not aware that the covered walk or door have had any adverse effects on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution that, if adopted, would allow the covered walk and door to encroach into the public right-of-way. The applicant will be required to obtain and keep a loading zone or "no parking" status adjacent to the covered walk as long as the covered walk is in place.

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
Attachments